

BOARD OF MAYOR AND ALDERMEN

November 16, 2004

7:30 PM

Mayor Baines called the meeting to order.

The Clerk called the roll.

Present: Aldermen Roy, Gatsas, Guinta, Sysyn, Osborne, Porter, O'Neil,
Lopez, Shea, DeVries, Garrity, Smith, Thibault, Forest

Messrs: K. Edwards, T. Arnold, V. Lamberton, G. Simmons, F. Thomas,
K. Clougherty, S. Hamilton, T. Nichols

3. Report of the Special Committee on Solid Waste Activities recommending that it has referred a proposal regarding solid waste activities to the full Board of Mayor and Aldermen for presentation and discussion.

Frank Thomas, Public Works Director, stated about nine months ago there was an issue brought up regarding the extensions of yard waste and recycling contracts. There was some discussion at that Board meeting whether we were doing the right thing and as a result, we decided to look at the City of Manchester's entire solid waste management plan. As a result, we developed a focus group, the focus group was made up of representatives of the Highway Department, with myself on there, representatives of the Mayor's office, representatives of the Solid Waste Committee, Alderman Forest, Alderman Roy, and a consulting firm of CLD, Ken Rhodes, next to us. As a result of this focus group, we developed some recommendations on what we're doing right, what we may want to change in the future. The summary of the recommendations we're presenting tonight are into three categories. Recommendations that we would like to implement immediately and will be requesting your authorization to proceed, recommendations that we may want to bring up in the upcoming budget process, and items for consideration long-term down the road through additional discussions with the Solid Waste Committee. This focus group met on a few different occasions and as I mentioned we reviewed what we're doing now and where we wanted to head in the future. In all, this focus group determined that the solid waste services that are being provided the residents of Manchester are excellent, they are high quality, and a very complete level of solid waste services.

Ken Rhodes, CLD, stated this is a summary of the report that was made to the Solid Waste Committee several weeks and you folks have copies of the entire report, but we want to hit the highlights as Frank said very quickly. Again, as a schedule the team that met, which was management, the implementation, Alderman representatives and other members of the City staff came down to three groups of items that we wanted to continue to bring forward. This evening's actual request is to focus on the immediate items, but quickly we'd go over what

we all termed as short-term items and long-term considerations. Immediately, and again after nine years of being in your current program, there are some very significant strengths that the City has related to their solid waste program. Overall the City residents are getting a very good service for their tax dollar at this particular time, but there's a few lessons learned and some things that are appropriate to adjust. In the immediate implementation, one of the very powerful things you have is a long-term contract for municipal solid waste disposal that should be continued. The second recommendation in the immediate, is to exercise, you're in the last year of an option for recycling yard waste services, if your current contractor, Waste Management. With the next recommendation to develop a more comprehensive recycling and yard waste services contract. There are a few things that have to be studied very carefully because these are the areas of most concern and where costs could get most out of control. So exercise the option and we will be working on an RFP. For the citizen's drop off center off from Dunbarton Road, the recommendation of the group was to augment the drop off hours, which the department is working on within budget considerations. And lastly, toters have become a core definition of the amount of solid waste and that use should be expanded to smaller commercial businesses and non-profits. Two toters and, again, encourage their recycling. So again, that action will be requested at the end of this. Short-term, which we defined as what the group thinks we ought to be working on in the next year or so. We need to develop a customer database, and again, in summary if you've read the report, the City is going to have to continue to have to transition between who they serve as customers and who should be encouraged to provide private services. Mandatory use of toters in the downtown toter collection zone, cardboard recycling in the downtown area, and bulky waste, which is the couches, the lazy boys, and a number of those things that get out to the curb. Right now if you get it to the curb it's an unlimited, we've got to start getting a grip on the costs of this amount of service for the amount waste that's being collected. Our recommendation would be for two free pickups per property per year and after that again to be discussed and budgeted some fees. The other thing that has been the experience over these nine years is to create and talk about budgeting and an enforcement position to get around and look after situations that are getting out of control, using fees from the modified bulky program and solid waste. Include free resident yard waste at the drop off center, again, with possibly expanded hours and as we go to the RFP for recycling and yard waste, one of the things as an option would be to move to weekly single stream recycling where you put everything together and let somebody else sort it all out. That would be hopefully for the next budget year. Lastly, with everybody in the room and talking about it, these longer-term considerations are things that need to be continued to be under discussion and as programs evolve. Longer-term, there is still in the industry the implementation of user fees are very, very solid regarding improving recycling participation. It's something I know the City has discussed over a number of years and has not gained traction at this particular point but it continues to be a point of discussion. Integrate the use of toters; toters very much help with your employees, helping with your workmen, efficiencies and into the whole user program, and define the implementation to assist in defining dumpster locations for those private

sector people in properties where the residents are over six units and we get into those particular areas. So again, at this particular time the...

Mr. Thomas stated let me jump in here. Again, these are the overall recommendations that we're looking at considering over a period of time. Tonight we're only asking that the Board give us authorization to proceed with those five immediate recommendations. Those are things that have to be done. We really should be extending the contracts we have in place right now. We want to develop a RFP so we will be in a position the next time around to move forward with more stringent contracts with potential alternatives. The middle group, short-term recommendations, those have budgetary considerations. They may be items that we bring to the Board during the budgetary process, but we're not looking for any approvals tonight. And then the long-term category are just items that we feel should stay on the table for future discussions and considerations. With that, I'd be glad to try to answer any questions you have.

Alderman Forest stated I believe this report has looked at the overall City solid waste management program as defined as both immediate and long-term recommendations, which should be considered.

Alderman Forest moved to direct the Highway Department to extend the recycling and yard waste contract for one year, go out with an RFP for these same services the following year, allow two toters for small commercial businesses and non-profit organizations, and expand the hours at the drop off facility if operating funds are available in the Highway Department budget. In addition, the short-term implementation recommendations should be considered during the upcoming budget process due to financial implications, while longer-term recommendations should have more discussion at the Solid Waste Committee level before coming back to the Board. Alderman Thibault duly seconded the motion.

Alderman Lopez stated with the two toters, how did that come about because some small businesses need three and four.

Mr. Thomas answered first of all we don't want to get business of assuming commercial collection. Right now many commercial operations have their own private collection and we don't want to go in offsetting that obligation on their part. We felt that on the high average a residential customer, taxpayer, in the City of Manchester will utilize two toters as a maximum. So what we felt as a first step in looking at the commercial and non-profits would be allow those establishments to have the same benefit as a residential taxpayer, but no more.

Alderman Lopez asked they'd have the choice of a 45 gallon or 90 gallon one.

Mr. Thomas answered that is correct.

Alderman Lopez stated and from what I understand there are some questions on the short-term implementation in 2007, which you're going to come back.

Mr. Thomas replied that's correct, we're not asking for anything there. There are items that have been identified and we will probably be raising those as budgetary issues during the upcoming budget process.

Alderman DeVries stated along the same line, toter use for small commercial businesses, which I think is very different than dealing with the non-profits. Are we going to establish better detail on this so that we separate small businesses that today do not have space requirements to employ a dumpster and a commercial pickup but maybe some of the older grandfathered. Are you going to be separating it by any kind of logistical decision.

Mr. Thomas answered right now we'll be allowing any commercial to have up to two. Part of what was identified was the need to identify our customer base. What customer base do we want to establish. Do we want to serve the commercial. If we do, do we want to serve just the small commercial, the mom and pop type operations or the larger. Down the road it was noted that we want to work and define where potentially dumpster locations can be provided for some commercial or larger residential complexes.

Alderman DeVries stated I guess my follow up question to that would be are we going to create an immediate shift from small commercial businesses that today have private pickup that will be shifting to the City with the available two toter.

Mr. Thomas answered I don't believe so, not with the two toter limit. Normally a commercial operation that does have private collection has a much greater volume, needs a dumpster type of capacity where presently right now when you drive around the City you'll see a lot of commercial, the mom and pop stores, having barrels or bags out there. We feel that by allowing them the toters it will keep the City of Manchester cleaner, there will be less litter, and reduce back injuries.

Alderman DeVries added and encourage recycling. The cost to develop the database, is that something that you've already determined and worked into this year's budget.

Mr. Thomas answered we're going to do that internally. There is a lot of information that's available through the Building Department, housing code, etc. That we can utilize. We already have a lot of that information. I think as we start putting that into a usable form in moving down the road, we may have to go out and do a little legwork to refine it. But initially no there is no funding for that and we don't have any anticipation of asking for any funding for that particular task.

Alderman DeVries stated the last item you're asking us to implement tonight, restricting bulky waste collection to two free pickups per property per year.

Mr. Thomas responded we are not requesting that tonight. That's a short-term recommendation. It is just the five immediate ones.

Alderman Smith stated Frank, as you well know this is Waste Management's bulletin or brochure and again the same thing happens every year. Friday is the pickup on the west side, it should be the next day, and our collections were picked up at 5:30PM – 6:00 o'clock on Monday night. And I just want to say something, Boynton Street is Route 101 and 114 is Varney Street and those bags are all over the place half the time, it snowed, they got wet, kids kicked them, I brought it up last year, if they're going to do it, I know that we take out the garage and you're out there the next day on Saturday. Why can't Waste Management pick it up the next day after a holiday.

Mr. Thomas answered they did drop the ball this time around, however, over the last year they have been providing a very acceptable level of service with the recycling and yard waste. Quite frankly we track the complaints on a daily basis. This year after the Board got the message to me and I got the message to Waste Management, their level of performance of the obligations have been extremely high. They did drop the ball in your area over this last holiday. That was brought to their attention immediately and it should not happen again. But again, the level of service has been a lot better over the last six to nine months.

Alderman Smith stated the same thing occurred last year and three strikes and you're out. They're asking for another one-year option and I'm very displeased with Waste Management. We have a lot of leaves in the month of October, everybody no matter what section of town. People are paying taxes, they expect that service, and these are major routes coming into the City.

Mr. Thomas replied again, I can't deny what has happened in that area, but again, I have to take a look at the overall picture and the overall level of service by Waste Management with recycling and yard waste over the last nine months or so since we had the last discussion, it has been as far as I'm concerned very acceptable. Is it 100 percent. No, and that's why we want to roll the contract over one more time, spend the time to develop a good RFP and go through that process, and when we go through the process the next time, we will build in mandatory things into that contract and give us more teeth for enforcement.

Mayor Baines stated and I just want to reinforce from my office because obviously we received a lot of complaints about a lot of things and our complaints about Waste Management have just about disappeared and that was one of the number one complaints that we used to receive in our office.

Alderman Smith stated Frank, as you well remember we had the same situation. I hope it doesn't occur again with the Christmas trees. Your department had to pick them up, am I correct, last January. There are substantial trees on Boynton, Varney and all over. I'm not saying because it's in my ward, but people who are paying taxes they expect the service and if we're paying for a contract, those people should deliver.

Mr. Thomas replied I agree with you 100 percent and when we wind up with a new contract we will have more penalties and more teeth in it.

Alderman Guinta asked would the collection of cardboard be immediate.

Mr. Thomas answered no, that's going to be part of the short-term. There will be a slight budgetary increase because I'm going to have to divert an extra truck and two people to collect the recycles, the cardboard. I don't know yet; we haven't done the study to see how much revenue we may be generating to offset the cost. So again, it's a budgetary issue, but it is something that is a high priority for us because quite frankly there's a lot of good recyclables in the downtown area that are going to the landfill.

Alderman Guinta asked that would be in year three.

Mr. Thomas answered that would be in this next budget process that we're starting in right now.

Alderman Guinta stated I just want to touch again on the small commercial business toter issue. Are you going to be changing the lines right now of the downtown area that already is allowed garbage pickup. Are you going to reduce those people to two toters, I guess is a better way to put it.

Mr. Thomas answered no, the downtown businesses, that's a special toter area. In the short-term implementation we're recommending that that become a mandatory requirement in the downtown area on either side of Elm Street, etc. The rest of the City, if you're commercial, you'll be allowed to have two toters.

Alderman Guinta stated just so I understand it, if a commercial building, you're going to drive by, pick up two toters worth of garbage and leave the rest.

Mr. Thomas answered no, if they are putting it out now in barrels and bags, we will still continue to pick it up. What we don't want to do is assume any additional costs that presently being borne by the commercial sector.

Alderman Guinta interjected maybe it's just that I don't understand it. You're saying that every commercial building is now going to have two-toter pickup in this immediate implementation. Correct.

Mr. Thomas answered yes.

Alderman Guinta asked if they have more garbage, they have two toters and 15 bags, you're going to pick up the two toters, but leave the 15 bags.

Mr. Thomas answered no, we will be picking up the 15 bags. What we don't want to have happen, if it's a commercial operation right now that has a dumpster behind their facility because they're generating more trash than we'll pick up once a week, we don't want that commercial operation to go out and buy 20 toters, get rid of their dumpster because it's costing them \$60 or \$80...

Alderman Guinta interjected I guess that's my concern. Because right now you're saying you'll pick up two, but if there's more trash, you'll pick it up. To me it sounds like some of the downtown businesses who have contacted me asking for an expansion of the downtown zone, are going to do exactly what you just said. They are going to get rid of the dumpster and they'll either use some sort of container or a toter and you're telling me that technically you're going to pick it up even though you're hoping it doesn't happen. So to me there's a...

Mr. Thomas interjected if that commercial operation right now today puts 20 barrels out along the curb, we would have to pick it up by ordinance. But most of the time if the commercial operation is generating that amount of trash, one collection in 20 or 30 barrels just doesn't make sense, so they work with a dumpster.

Alderman Guinta stated I know, but the chief complainer request that I get from downtown business that's outside of the geographic area, says first why can't we expand the area, because there is a cost associated to the business for having a dumpster. I talked to you about this in the past and we haven't addressed that issue. But my concern is because I hear this issue time and time and time again, this is an opportunity for a small business to identify a way to reduce their costs or transfer a cost and...

Mr. Thomas interjected well I think that's what we're concerned about.

Mayor Baines stated I don't want to interrupt, but I don't want to spend a lot more time on something that's we're not asking for any action on tonight, that's something we're going to have plenty of time to look at going forward.

Alderman Guinta stated but that is in the immediate implementation process.

Mr. Thomas stated we can implement the two toters, the discussions that you're having can take place at the Solid Waste Committee.

Alderman Osborne asked Frank, do you see anything in the immediate future of these toters being increased in cost. Are they going to be going up in the near future that you know of.

Mr. Thomas answered not unless our vendor raises the price. We're selling the toters for basically at cost plus a very slight administration fee. We're not making any money on the sale of these and we really don't want to. Basically we want to promote the use of toters in the City.

Alderman Osborne asked so you haven't heard anything from the vendors at all. I guess we've been buying enough of them so they're satisfied I imagine.

Mr. Thomas replied so far, so good.

Alderman Porter stated Frank, presently there's biweekly yard waste pickup during certain a certain period. On your RFP could you maybe get the cost to see what it would be to do it weekly versus what it is for the biweekly period. Because I'll tell you what, in the grass-growing season the neighborhoods get a little gamy.

Mr. Thomas replied we will do that. We've discussed that; we're also talking about going to weekly recycling, single-stream recycling, so we'll investigate all of those. In the RFP we put out we'll get the different costs and then we'll present that back to the Board of Mayor and Aldermen.

Alderman Gatsas asked Frank, what are the contract dates.

Mr. Thomas answered there's two of them. I believe one of them is in the end of November/December and one is in January or February for yard waste and recycling.

Alderman Gatsas asked so that contract expires this November or December, and I think we had this conversation that it was a one year deal last September and we're to a one year extension, and I guess I have a problem when you start talking about six units. What are we going to do with a unit that has six units. Do they get two toters. Do they not.

Mr. Thomas answered again, that's part of our overall plan for future discussion. We have to define what we want to service. Solid waste costs are getting more and more expensive every year. We've looked at pay-as-you-throw programs; that didn't get too much support.

Alderman Gatsas asked that's bag and tag.

Mr. Thomas answered yes. We may want to be looking at limiting who we provide the services to. If it's an income property and it's six or more units, it may be the decision of the Board of Mayor and Aldermen not to service those type.

Alderman Gatsas asked would you suggest we reduce their taxes.

Mr. Thomas answered no.

Alderman DeVries asked Frank, will you be developing an ordinance that will go through the Committee on Bills on Second Reading so that we can have another opportunity to address language on this before it's finally enacted.

Mr. Thomas asked on what portion of this.

Alderman DeVries replied on the immediate implementation specific to the two-toter pickup for commercial businesses. I'd like to see stronger language in there that addresses...adding to it a statement saying that they're currently not using a dumpster for disposal. So you're saying we will provide it, two toters or they recycle, as long as they are not currently using a dumpster.

Mr. Thomas replied what I would suggest is that we be instructed to proceed with those four areas and bring that fifth area back to the Solid Waste Committee with a recommendation to Bills on Second Reading.

Alderman DeVries asked, Your Honor, is that an amendment then to the motion that we originally had from...to bring it back to the Solid Waste Committee.

Mayor Baines stated I think we're just voting on the implementation of phase I.

Mr. Thomas stated technically it should be an amendment to the motion. There were five areas of the immediate recommendation, that was the motion, and what Alderman DeVries is suggesting is that the one that deals with the toters be referred back to the Solid Waste Committee.

Alderman Forest withdrew his previous motion and amended his motion to read that the Highway Department be directed to extend the recycling and yard waste contract for one year, go out with an RFP for these same services the following year, expand the hours at the drop off facility if operating funds are available in the Highway Department budget, and refer two toters for small commercial businesses and non-profit organizations back to Special Committee on Solid Waste. Alderman Thibault duly seconded the motion as amended.

Alderman Guinta stated extending the contract is part of this vote. If this vote fails, can we then just vote on extending the contract, because that's a necessity. The point is if people disagree with other portions of this...

Mayor Baines stated we're going to vote on the while matter and then if that doesn't...

Alderman Guinta interjected if that fails, can we then just vote on extending the contract, because that's a necessity.

Mayor Baines called for a vote on the motion and asked the Clerk to read the motion.

Deputy City Clerk Johnson stated the motion was to direct the Highway Department to proceed with what is recommended for immediate implementation, which includes extending the recycling and yard waste contracts for one year, go out with an RFP for the same services the following year, the allowance of the two toters for the small commercial and non-profits organizations is to go back to the Solid Waste Committee, and expand hours at the drop off facility if operating funds are available in the Highway Department budget.

The motion carried with Alderman Smith, Alderman Gatsas and Alderman Guinta duly recorded in opposition.

Mayor Baines stated a special thanks goes out to Alderman Forest who has chaired this effort and I think he's done a commendable job and Alderman Roy and also JoAnne McLaughlin coordinated the recycling program who has been a really tenacious advocate for the issues of recycling in the City and I really appreciate all of your efforts and want to congratulate you for a job well done. Just a brief editorial comment on recycling. As we look at increasing fees for all different things, remember that for every 10 percent that you increase recycling, you save \$300,000. So at some point in time some Board of Mayor and Aldermen is going to tackle the issue of recycling head on and do what's right for the environment and ultimately in my view right for the taxpayers. We can not continue to have a recycling program that leaves all of that cash, all we're doing is throwing out cash because people are not recycling. So I know it's a long educational process, but there's a lot of money to be saved in recycling and we have yet to address it, but this is a start and I appreciate the effort.

CONSENT AGENDA

Mayor Baines advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Accept BMA Minutes

- A.** Minutes of meetings held on July 20, 2004 (two meetings); August 3, 2004 (two meetings); August 25, 2004; and August 31, 2004 (three meetings).

Informational – to be Received and Filed

- C. Communication from the Public Works Director outlining the Department of Highways' winter operations.

Accept Funds and Remand for the Purpose Intended

- E. Communication from the Deputy Finance Officer advising of the receipt of funds in the amount of \$1,000.00 from Arthur and Julie Desrosiers towards the purchase of equipment and supplies for the Mounted Patrol.
- F. Communication from the Deputy Finance Officer advising of the receipt of donations in the amount of \$801.00 for the Manchester Art Fund.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

- G. Resolutions:

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Sixty Seven Thousand Four Hundred Sixty Seven Dollars and Fifty Cents (\$67,467.50) for FY2005 CIP 411505 Emergency Management Preparedness Grants Project.”

“Amending the FY2003, 2004 and 2005 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Eight Thousand Three Hundred Twenty Dollars (\$8,320) for the 2005 CIP 511005 Annual Park Maintenance Program.”

“Amending the FY2005 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Six Hundred Fifty Thousand Dollars (\$650,000) for the 2005 CIP 711705 WWTF Facility Plan Project.”

REPORTS OF COMMITTEES

COMMITTEE ON COMMUNITY IMPROVEMENT

- H. Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$67,467.50 (State) for FY2005 CIP 411505 Emergency Management Preparedness Grants Project, and for such purpose a resolution and budget authorization has been submitted.
- I. Recommending that the Board authorize transfer of funds in the amount of \$8,320 (Cash) for FY2005 CIP 511005 Annual Park Maintenance Program, and for such purpose a resolution and budget authorizations have been submitted.
- J. Recommending that the Board authorize transfer of funds in the amount of \$650,000 (Enterprise) for the FY2005 CIP 711705 WWTF Facility Plan Project, and for such purpose a resolution and budget authorizations have been submitted.

- K.** Recommending that budget authorizations for CIP 214704, Lead Safe for Kid's Sake (Revision #1) and CIP 410704, Streetsweeper (Revision #3) be extended from June 30, 2004 to December 31, 2004.
- L.** Recommending that a communication from Alderman Osborne regarding street resurfacing and sidewalks be referred to the FY2006 budget discussions.
- P.** Advising that they have approved a request of Chief Kane to purchase two vehicles with Homeland Security funds, and authorized additional municipal license plates for such vehicles.
- R.** Advising that they have approved a request of Chief Jaskolka to accept a vehicle from the Manchester Police Athletic League, and authorized an additional municipal license plate for such vehicle.
- S.** Advising that they have authorized the Parks, Recreation & Cemetery Department to proceed with Phase II for the Derryfield Park Rehabilitation.

COMMITTEE ON JOINT SCHOOL BUILDINGS

- T.** Advising that it has approved the use of contingency funds to replace 800 lockers at West High School.

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- U.** Recommending that a policy regarding the Use and Enforcement of Meter Hoods, as enclosed herein, be adopted.
- V.** Recommending that a policy regarding Seat Belts and Fall Protection, as enclosed herein, be adopted.
- W.** Recommending that regulations governing standing, stopping, parking and operation of vehicles be adopted and put into effect when duly advertised and posted.

SPECIAL COMMITTEE ON RIVERFRONT ACTIVITIES AND BASEBALL

- X.** Recommending that the payment date for Chinburg Builders be extended from November 1, 2004 to December 1, 2004 and that such payment shall include the five percent (5%) penalty totaling approximately \$38,000.00.

**HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN
O'NEIL, DULY SECONDED BY ALDERMAN SMITH, IT WAS VOTED THAT
THE CONSENT AGENDA BE APPROVED.**

- B.** Communication from the City Clerk submitting the official results of the Charter Amendment Question submitted to the voters on November 2, 2004 relative to taking the responsibility and authority to audit the City's financial records from the City Finance Officer and placing it with an Independent City Auditor.

Alderman Lopez questioned the process it was going to take, whether it would be referred to the HR Committee and when it would take effect.

Mayor Baines advised it would take effect July 1st stating we have plenty of time and I would like time to work with staff to make some recommendations and bring it to the HR Committee, noting they had eight months to implement it.

Alderman Lopez asked why it takes effect July 1st.

Mayor Baines responded that when you pass a Charter Amendment it goes into effect July 1.

On motion of Alderman Lopez, duly seconded by Alderman Garrity it was voted to receive and file the communication.

- D.** Communication from the NH Department of Environmental Services submitting the current version of the Comprehensive Shoreland Protection Act – RSA 483-B. *(Note: previously forwarded to Building, Highway and Planning Departments, the Zoning Board of Adjustment and Conservation Commission.)*

Alderman DeVries stated the item was dealing with the Shoreline Protection Act and I felt that it's a very good explanation of how our city residents would be impacted and I don't think that information has gone out to the public, so I would ask the Board to join me in asking Planning or another department to make a future presentation just to help explaining to the city residents what portion of shoreline protection would be impacting them in their own homes and how it has change.

Alderman DeVries moved to have the presentation made to the Board. Alderman Roy duly seconded the motion.

Alderman Gatsas stated there is a project that is going on in Hooksett, asking if Mr. Thomas could tell them what our capacity is for distribution to the Merrimack River in regards.

Alderman DeVries noted that was a different issue, a report on accepting funds for a master plan for EPD.

Mayor Baines requested Mr. Thomas respond to the question.

Alderman Gatsas stated the question I have Frank is about the capacity of disbursal into the Merrimack River, I think we have a capacity limit that we received from the state. My concern is with the problem they ran into in Hooksett right now.

Mr. Thomas stated we are going to be looking at doing a plant expansion to increase the capacity of our wastewater treatment plant. What is happening from the DES is that there is a policy shift on the type of treatment limits that can be discharged. Right now we have secondary treatment that we provide the servers. What they are basically looking at is to raise that bar to tertiary treatment, which is a higher level of treatment. If in fact that goes through it would probably cost us twice what it would normally cost for our plant expansion so it is a concern that we have that's the situation that Hooksett is presently dealing with, something that we are monitoring, something that we will be in contact with the DES on because it is a concern and is going to be an expense item.

Alderman DeVries stated she had the same concerns as Alderman Gatsas and had several conversations this last week both with Highway and Tom Seigal over at EPD. The \$650,000 that we had in item G that is going for the new facility plan, part of those concerns will be addressed with the funding as they develop the plan and they define how the state is going to deal with our septage.

Mayor Baines called for a vote on the motion to have the presentation regarding the Shoreline Protection Act. There being none opposed, the motion carried.

Report of Committee on Community Improvement

M. Recommending that the Board adopt the following development approach relating to the Raco Theodore pool:

- 1) The matter is referred to the CIP Committee.
- 2) That approximately \$50,000 be transferred to this project from the final balance in the Cohas Brook Fire Station account. This will insure that the Contract #1 – reconstruction of the pool and construction a new pump house can be completed.
- 3) In the next four months, final design is completed and Contract #1 and Contract #2 (reconstruction of the bathhouse) are put out to bid.
- 4) The Board of Mayor and Aldermen would approve both contracts early in 2005 with the understanding that the balance of Contract #2 would be funded in the FY06 CIP.
- 5) The Mayor would propose a majority of the funding of Contract #2 in his proposed FY06 CIP to come from HUD CDBG funding. The staff has determined that this project would be eligible according to HUD criteria.
- 6) Final funds would be available for payment somewhere between May of 2005 and August of 2005.

Alderman DeVries stated we have found that this project is eligible for CDBG funding and we have already bonded through city cash a portion of this project and I'm wondering why we would not be able to shift some of the currently bonded projects into CDBG to free up some of the city cash.

Mr. Maranto stated it is eligible. Each year we have approximately \$300,000 to \$350,000 of what I like to think of as discretionary CDBG funding that could be put towards that. The

balance of our entitlement grant, which is about \$2.2 million generally, goes to projects of an on-going nature such as parks, ADA, Planning master plans, etc. If we want to devote additional money to that project then you would have to make a decision as what other projects you don't want to approve for next year. But we do have discretion of about \$350,00 to \$400,000 and that's what we indicated we would be able to come up with for next year.

Alderman DeVries stated further clarification cause you're saying in addition to the action that we are taking tonight there could be a shift of an additional \$350,000.

Mr. Maranto replied no, part of it this communication indicates that the Mayor will be indicating in FY06 about \$350,000 of CDBG funding for this project.

Mayor Baines advised this was something he had worked with Alderman Smith to make sure that we got the funding, and I think we have put together a proposal that makes sense and allows us to fill the obligations to that project.

Mr. Maranto stated there is a potential if you want to use additional CDBG funds, however, generally we have projects that we program each year that we'd have to not do.

Alderman DeVries stated where we have already bonded in this current year's budget, would we have to finalize that transaction within this budget year or are we operating under a two year CIP so we could actually do that in next year's budget, tip the CDBG and free up on the city cash side some additional bonding.

Mr. Maranto stated there is no bonding capacity for next year.

Alderman DeVries stated that is why I am looking to make the shift into CDBG.

Mr. Maranto stated again, like I said if we were to come up with additional CDBG, you would have to eliminate other projects that we are planning for next year. That's up to the discretion of the Board.

Alderman Smith moved to accept the report. Alderman Shea duly seconded the motion. There being none opposed the motion carried.

Report of Committee on Community Improvement

- N. Recommending that pursuant to RSA 232:22a Hillcrest Avenue be reclassified from a Class VI to a Class IV highway contingent upon a design plan of improvements acceptable to the Highway Department submitted by a licensed NH engineer, and a bond for the cost of construction presented in the design plan that is acceptable to the Highway Department, being received by the Highway Department. Such reclassification to become effective upon certification by the Public Works Director to the City Clerk that such items have been received and are acceptable to the Highway Department.

Alderman Garrity stated after much dealings with the neighborhood up there, there has been a lot of problems with the builder up there, and the Highway Department still doesn't have a plan for this action so I move to table this item. Alderman DeVries duly seconded the motion. There being none opposed, the motion carried.

Report of Committee on Community Improvement

- O.** Recommending that a petition to discontinue a portion of Lumber Lane and Allard Drive be referred to a Road Hearing to be held on Monday, December 6, 2004 at 4 PM in the Aldermanic Chambers at City Hall.

Alderman Roy advised he pulled the item for the Clerk.

Deputy City Clerk Johnson requested a motion to amend the report to reflect a date and time of December 13, 2004 at 5:00 PM for this Road Hearing because of scheduling conflicts.

On motion of Alderman Thibault, duly seconded by Alderman Sysyn, it was so voted to amend the report to reflect a date of December 13 at 5:00 PM.

On motion of Alderman O'Neil, duly seconded by Alderman Roy, it was voted to accept the report as amended.

Report of Committee on Community Improvement

- Q.** Advising that they have directed the Highway Department to proceed with the Granite Street Widening Project as presented to the Committee on November 9, 2004.

Alderman Gatsas stated by chance when I was channel surfing I happened to see the CIP Committee talking about the Granite Street Widening project. I think that project, I think I would have like to have seen it presented to this entire Board because some of the changes I missed and certainly I understand that we have the option of participating in some of the Committees and Alderman O'Neil has always been gracious enough to allow us to ask the questions but I would think that a project with this magnitude and the changes that were being talked about would have come before this full Board so that we all would have had an opportunity to see it.

Alderman O'Neil stated I believe what the Public Works Director asked for last week, he did not ask for any additional funds, he laid out a different approach to try to stay within the budget, and he also laid out a game plan if for some reason the project did come in over budget, there was a contingency plan at the end to not do Granite Street from Canal to Elm Street which was mainly cosmetic not widening of any lanes, so he did not ask for any additional funding what he did ask for was approval to proceed breaking it into three different projects, one the state would handle west of the bridge, put the bridge out as a separate contract, and then the road work east of the bridge as far as it will go financially. Mayor Baines stated he was aware that Frank needed to move along in an aggressive pattern to get this done as well.

Alderman O’Neil stated if time permitted I don’t disagree with Alderman Gatsas suggestion, it’s just the Public Works Director is under the gun here to make some things happen in agreement with the state, etc.

Alderman O’Neil moved to accept the report. Alderman Thibault duly seconded the motion.

Alderman Gatsas stated I don’t have a problem with moving this forward as long as at the next meeting we can have the presentation that I thought was very informative.

Mayor Baines asked if the full Board wished a presentation on this issue. Mayor Baines noted that he was a little concerned about was that this was why they have the committees and if we are going to have all of the committee reports come to the full board. Mayor Baines asked for a show of hands on who was interested in a full presentation to the Board.

Alderman O’Neil suggested that possibly the director could sit down with Alderman Porter and Alderman Gatsas.

Mayor Baines called for a vote on accepting the report. The motion carried with none recorded in opposition.

Nominations to be presented by Mayor Baines, if available.

Mayor Baines advised there were no nominations.

On motion of Alderman Thibault, duly seconded by Alderman Porter, it was voted to recess the meeting to allow the Committee on Finance to meet.

Mayor Baines called the meeting back to order.

OTHER BUSINESS

A report of the Committee on Finance was presented recommending that Resolutions:

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Sixty Seven Thousand Four Hundred Sixty Seven Dollars and Fifty Cents (\$67,467.50) for FY2005 CIP 411505 Emergency Management Preparedness Grants Project.”

“Amending the FY2003, 2004 and 2005 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Eight Thousand Three Hundred Twenty Dollars (\$8,320) for the 2005 CIP 511005 Annual Park Maintenance Program.”

“Amending the FY2005 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Six Hundred Fifty Thousand Dollars (\$650,000) for the 2005 CIP 711705 WWTF Facility Plan Project.”

ought to pass and be enrolled.

On motion of Alderman Shea, duly seconded by Alderman Osborne, it was voted to accept, receive and adopt the report of the Committee on Finance as presented.

9. Report of the Committee on Traffic/Public Safety recommending that Ordinance:

“Amending Section 70.57(A) Parking Rates of the Code of Ordinances of the City of Manchester by increasing the monthly parking garage rates.”

providing for increase of parking garage rates from \$65.00 monthly to \$70.00 monthly, be adopted with an effective date of January 1, 2005.

Alderman Sysyn moved to suspend the rules for discussion. Alderman O’Neil duly seconded the motion.

Alderman O’Neil stated to the best of my knowledge this all came out of I think the year 2000 when we were charging \$40 per month per space at the time both Canal and Victory garages. If I recall and the Clerk with a quick call from me tried to do as much research as they could to dig up minutes so what I am going to talk about is to the best of my recollection. We laid out a plan that said that Mr. Taylor who was the Economic Development Director at the time said we needed to be up somewhere in the area of \$75 or \$80 to break even with the operation of the garage. So we laid out a plan and said we’ll start a yearly increase of \$5 per space. We did not implement it in July of that year to give six months of notification so that is why it has been starting generally about January 1st. To the best of my knowledge we’ve had this going on for four years now and this is a continuation of something that this Board has supported in the past to get the monthly fees up to \$75 a month. This is not a new item; I was actually surprised with some of the comments earlier. This is just a continuation of an ongoing plan that the City has had, I’m going to ask the Clerk to continue researching it as best I can and I stand in support of raising it from \$65 to \$70 as of January 1st.

Alderman Lopez stated I would just like to have clarification from somebody is somebody doing a plan, they mentioned the Planning Department, do you know of any plan that is being put together.

Mayor Baines stated as part of the issue with the JacPac acquisition we also, we are updating the downtown study and part of that is a study of all of the parking situations that we have in the city that a recommendation will come forward on how to address all issues related to parking in the downtown area. Mayor Baines asked Mr. Clougherty if that was correct.

Mr. Clougherty stated part of it. What we talked about with the Committee on Accounts last night was really doing a more detailed study and RFP in that regard. It will be touched on a little bit aldermen but if you really want to do an intensive study we’ve provided a recommended RFP format for that.

Alderman Lopez asked what time frame they were speaking of here.

Mr. Clougherty responded state no, we responded to Committee on Accounts report, we gave that information this evening and I believe it was referred to the Committee on Traffic.

Alderman Lopez stated he remembered the \$5 but I was wondering if this couldn't wait if the report is going to come back in a month, two months, three months or what. We've got plenty of time to implement it.

Mr. Clougherty stated my understanding is that the report that we are talking about for the downtown will take more than three months to compile so you are looking sometime out into the summer before that will be available.

Alderman Guinta stated I believe that Alderman O'Neil is correct that back in 2000 there was a plan put in place to try to implement some sort of moderate increase in the parking fees. I would maybe make an amendment to some of his comments and that's first of all I think the revenues that are being collected by the garages today is far different than it was in 2000 and I don't know if there is the same level of disparity, as a matter of fact I believe at least we are running even if not a little bit ahead, as opposed to four years ago when we were very much in the red. I think re-evaluating these plans over a period of time is certainly appropriate. My view would be twofold. Number one let's consider the fact that that study will be completed, it's not going to be completed before the end of the year, but I would think by March and we could make a determination then. Secondly, I would be a little more comfortable if we knew specifically what the rates are in Nashua, Concord and Portsmouth because while I do agree that we want to be commensurate with the other cities we don't want to also place ourselves at a competitive disadvantage when it comes to luring business to the city and I think what I'm hearing from business outside of the city and outside of the state is they are constantly looking at what are generally called as umbrella impact fees, this is one of them. These are some of the things that when business wants come to a city they will take into account, and the current rate of \$65 would increase to \$70 I believe if you look at the four cities \$65 is the average, but I don't have that specific information so I would certainly like to wait a little bit, at least until the next meeting or maybe we can digest a little additional information to find out exactly where we are with respect to the other cities.

Secondly, an increase to \$70 per month is now \$840 a year, if you add in next year's expected increase you are talking about \$900 a year for now if that is an employee some live in the city and park in the garages, some people are outside of the city. You are talking about \$900 a year out of someone's paycheck to come to this city and park. I think we are placing ourselves very close to a competitive disadvantage and pushing people to make alternative options about locating their businesses. They can go to Bedford, they can go to Hooksett, they can go to Candia and not have to pay any of these fees. So, I am very concerned that while our vacancy rates are a little bit lower than they were a few years ago, they are still not as low as Concord and Portsmouth, and that's a contributing factor to why their fees are higher than that. I'd make a motion and I hope we can at least study this a little

more certainly in difference to the Committee and my colleague who has put a lot of time and energy into this I think some reevaluation is warranted and I would move to table.

Mayor Baines stated he would not accept the motion yet. A couple of comments because Alderman Guinta did contact me today about whether I would support delaying the vote on this for a couple of weeks to gather some additional information and from my perspective, and I agree with the comments from Alderman O'Neil. As you remember in 2000 we looked at the fees and they hadn't been adjusted in 10 or 15 years, it was a long period of time, and we made a commitment as a Board that those fees would be addressed on a regular basis, so the Traffic Committee is well within its direction from the Board. Though I think that the request from Alderman Guinta to delay it for a couple of weeks would make some sense to gather the additional information and make a comprehensive decision. So a littler more discussion and then I'll accept a motion to table.

Alderman Lopez stated along that line I don't think we should suspend the rules, I think we should just send it to Bills on Second Reading and go through that process, it takes two thirds to suspend the rules.

Mayor Baines requested the Clerk's response.

Deputy City Clerk Johnson stated sending the ordinance to the Committee on Bills on Second Reading the Clerk has no objections, the only reason we suggested the suspension of the rules is because if you are going to go into effect January 1st, you could move that date further out and I think that is what you would have to do to give people notice.

Alderman Gatsas stated I understand that we are all trying to find revenues to protect the budget. We have a garage that we are paying \$144 a month rent, I think you'll remember I brought this up probably nine months ago. The wall street rental factor that the city is paying is costing us \$300,000. I think that's something we need to talk about. I've suggested that we bring those agreements out and look at them as a City and we've forgiven loans on those funds we should have the ability to stop paying \$144 a month on a parking space when we are only looking for 65 to 70. I think any prudent business man, knowing that there was \$300,000 on the table would investigate that first and it has been sitting around I'm still waiting for Finance from nine months ago to get me information on it, I understand that the contract expires somewhere in 2007 but maybe we need to put it on the agenda that we get that information at the next meeting.

Mr. Clougherty stated I believe we have provided the Board information on the contracts as part of the budget process, but I will be happy to give it again. It is a contractual arrangement, it was set up some time ago well before my time and it's my understanding that it is coming to a close in the next couple of years and that is an opportunity.

Mayor Baines asked if it would go to Traffic Committee.

Alderman Gatsas stated it was not our garage it should go to Administration if it is a contract.

Deputy Clerk Johnson stated you can send it to either committee.

Alderman Gatsas stated my motion would be to send it to Administration jointly with Traffic so be it as long as we are in receipt of all the contracts that are associated with that agreement. Alderman Osborne seconded the motion. There being none opposed the motion carried.

Alderman Guinta moved to table the garage rate increase report of Traffic Committee. Alderman Forest duly seconded the motion. The motion carried with Alderman Sysyn duly recorded in opposition.

Mayor Baines allowed Alderman Shea to bring up an item of new business pertaining to garages.

Alderman Shea stated at tonight's meeting of Accounts it was discussed and Randy Sherman brought up the fact that we are losing currently close to \$40,000 maybe every month or at least over the course of three months, so what we're doing, Your Honor, we're pouring money into something that's a bottomless pit. Because it's reputed that within the next few years we won't only put in \$40,000 or \$100,000, we'll probably be into hawk for several other thousands of dollars in terms of repairs and so forth. My suggestion this evening is that we put on the fast track, if there's such a thing, in order that we might able to sell the garage over at the Radisson Hotel and the sooner we do that, Your Honor, the better.

Mayor Baines stated I've always been in favor of selling the garages. I thought we had actually put that garage out for bid. We've already done that and the other thing is using fast track in government is an oxy moron, but I appreciate the effort.

Alderman Shea asked can we put it back out.

Mayor Baines asked what would be the process. We've already done it once.

Alderman Guinta stated I think that when we put them out for RFP it was a package, wasn't it.

Mayor Baines answered no, individually.

Alderman Guinta asked and what happened with that. It was all three and they were individual. We received bids on it.

Mayor Baines asked somebody refresh our memories. No bids were received. I would accept Alderman Shea's motion to again put that garage up for sale and I think it probably should go to committee for discussion to set up perimeters for that.

Deputy Clerk Johnson stated Accounts had earlier referred it to the Traffic Committee.

Alderman Shea stated it's already in traffic but the point is in Traffic it's going to take a few more months...

Mayor Baines interjected yes, it would get slowed in Traffic.

Alderman Shea stated I'm asking that we bypass Traffic, give them less work to do, and put this out for bid.

Alderman Shea moved to put the Center of New Hampshire parking garage out to bid. Alderman Osborne duly seconded the motion.

Alderman O'Neil asked clarification. We are talking about the Granite Street garage.

Mayor Baines answered that's correct.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

Deputy Clerk Johnson asked, Your Honor, can we just clarify who is supposed to put that out to bid. Do you want certain departments assigned.

Mayor Baines replied it's going to be in committee, the committee will make a report back to the Board.

10. Report of the Committee on Traffic/Public Safety recommending that Ordinance:

“Amending §70.73.(B)Removal, Impounding and Return of vehicle. of the Code of Ordinances of the City of Manchester.”

providing for increase of vehicle impoundment fees for snow emergencies from \$85.00 to \$125.00, be adopted.

Alderman O'Neil moved to accept the report and suspend the rules to place the ordinance on its final reading at this time without referral to the Committee on Bills on Second Reading and Accounts, Enrollment and Revenue administration. Alderman Forest duly seconded the motion.

Alderman Lopez asked could we have the Police up here please. There was some discussion in the Traffic and CIP committees in reference to you were going to go back and have a meeting with the vendors. What was the outcome of that meeting.

Deputy Chief Gary Simmons replied the meeting itself was relative to the additional snow operation this year with two lots and as well as a new contract that was going to take place, with the current contract with tow operators expired December 14th of this year. One of the issues that arose was the cost doing business in a particular snow emergency fee operation. At that meeting the wrecker companies had requested that the fees be increased a considerable amount of money. Lt. Valenti of the Traffic Division and Captain Mara posted that meeting felt and after continued discussion and some of the arguments they posed, although they felt the increase was justified they felt what they had originally asked for was high. As a result of that they came in with a current figure which is before the Board now.

Alderman Lopez stated at looking at what has been provided by the Manchester Police Department in reference to 12 vendors and the number of vehicles that they've towed, which is 196 vehicles during last year's snow storms, and there was only three snow storms, but on any one given day and looking at the cost this year, it was \$92.00 per company expense for one parking lot and doubling that would be \$184.00 and each one would share that cost. Is that correct.

Deputy Chief Simmons answered that's correct. It was 12 companies last year; currently we're down to eight companies.

Alderman Lopez stated and looking at the numbers that were provided, my calculation comes out that the profit would be almost \$90.00 for the towing company to tow a vehicle after expenses, that includes paying the \$25.00 to the Manchester Police Department. They would still make a \$90.00 profit. Have you calculated any numbers in that area.

Deputy Chief Simmons answered well some of the numbers we had calculated based on 196 average, based last year, there was an average cost which is a little tough because using an average, but looking at after paying the driver, it came to about \$44.00 per car for each company based on that 196 average tow. With the cost of two lots, that would be \$184.00, it brings it to about \$536.00 to tow company itself. Something that's not listed in there is also when a company tows a vehicle in particular snow emergency tow, abandons also become part of that tow. An abandon could be just a junk car that somebody doesn't want to claim, it's not worth the fee, it could be an unregistered vehicle that someone left the street that wasn't picked up prior to a snow emergency. So those vehicles have to be subtracted from that \$65.00 that the company receives as well. Breaking an average down, each company probably averaged four abandons on each of those. So that would bring their fee down or their cost for a snow emergency or their revenue, to \$460.00. We average that out on a 16-hour operation to about \$28.00 an hour per company. With that is their additional fees of

labor and equipment and something that's not added in there is each of those abandoned vehicles has been towed to the abandoned car lot where they can be picked up, they're not picked up, so that company now has to take it and tow it to their lot, they then have to keep it in their lot for 30 days, file paperwork with the State, once they file paperwork, that abandoned car then has to go to a junkyard. So in some instances there can be a third tow. Taking it on an average it may not seem that bad, but there are companies depending on any given night, you might have one company who tows 13 cars, as an example last year, seven of those cars ended up being abandoned vehicles. So he in essence lost money on that particular evening.

Alderman Lopez stated I think my bottom line is...I think really \$125.00 is a lot of money to tow a vehicle. I check with three of these companies and the average is going \$40.00 to \$50.00 in order to tow a vehicle at the present time. And I understand the expenses and I understand the category that the Police Department did here, but I contend that they're going to make \$90.00 profit, and that's not taking the vehicle back and storage, because they're going to charge for storage for that vehicle after one day. They take all of the vehicles back to their parking lot and put them in storage and then the person has got to pay more money. And you look at the places in the City of Manchester that we tow vehicles, we surely don't tow them up to the north and we don't tow them to the south end and to the east, we tow them downtown primarily on Spruce Street where the people as the Ward 3 representative also said here tonight. Those are the people that are going to be hurting; the people that are working two jobs that may be sleeping. They're going to be really hurting in this particular situation. I think the tow companies are really gouging the City on this. I believe that after talking to three or four of them and making \$90.00 on each tow is excessive to me.

Alderman Gatsas asked Chief, can you explain to me the \$25.00 fee that's paid per tow to the Police Department.

Deputy Chief Simmons answered right now that's \$20.00, we're asking for it to be increased to \$25.00. As a result of when we do a snow emergency tow, we have the impound yard, we man the impound yard with an officer, there's five officers, four officers and a supervisor that go out with various people from the Highway to authorize each tow at given areas of the City. So there's an officer that goes out there working with the Highway individual, when they're going to clear a certain area, he'll authorize those tows, he radios into the officer at the impound yard, and that's how the tow list starts. Eventually they are all logged into a system down there at the impound yard. The cost this year with the new contract and the two tow yards that we're going to need, they broke down a cost estimate of approximately \$40.00 to \$100.00 for the Police operation. That would be a nine-hour tow operation and one officer at each impound yard for 24 hours. So we broke that down as an average of receiving payment on them of 165 to 170 cars, after we removed the abandons, we came up with that \$25.00 fee.

Alderman Gatsas asked are these Police officers that are going out on this duty or detail already on a shift or are the....

Deputy Chief Simmons answered no, this is overtime. This is an overtime shift.

Mayor Baines stated they're called in to deal with the snow emergency.

Deputy Chief Simmons stated when Frank Thomas calls a snow emergency, Lt. Valenti in Traffic will put a list out for overtime relative to a snow emergency, officers will sign up and volunteer to work that at an overtime rate.

Alderman Gatsas asked so the \$20.00 per car goes to the officer.

Deputy Chief Simmons answered actually it ends up going into revenue and the expenses to cover the operation.

Alderman Gatsas asked is there a reason why there has to be an officer. Obviously we don't get compensation for the gentleman from the Highway Department.

Deputy Chief Simmons replied that's correct.

Alderman Gatsas asked so is there a reason why an officer has to be there to dispatch the tow or can't the Highway Department....

Deputy Chief Simmons replied the officer is actually the individual who authorizes the tow under state law and I believe city ordinance as well.

Alderman Gatsas asked the Highway Department can't.

Deputy Chief Simmons answered no.

Alderman Gatsas stated that state law was changed at the Airport. It allows the Airport Director to tow on a snow removal emergency.

Deputy Chief Simmons stated I don't know that that ordinance says specifically to that state law, but I don't believe the City street...

Alderman Gatsas interjected to let the Public Works Director to tow on an emergency.

Mayor Baines asked also Chief, and we've been dealing with another issues behind the scenes here, when I met with Lt. Valenti the other day, we talked about the cost, because you have to man these parking lots to allow the cars that are impounded. Who pays that cost.

Deputy Chief Simmons answered that cost comes out of our budget. Are you talking about for the officers or for the wrecker people that work in that lot.

Mayor Baines answered no, the people that work in the lot.

Deputy Chief Simmons answered the people that work in the lot, they incur that expense. That comes out of their \$65.00 tow fee. They pay that cost, they pay the cost of the storage, the sheds, they pay the cost of electric and power.

Alderman Gatsas asked is there a reason why we need 12 towing companies for 196 cars.

Deputy Chief Simmons answered well that probably averages out to about 16 per. During the middle of a winter snowstorm, I've been out there and have seen what these guys do and they hustle to get 16 cars in the course of a night. On a major snowstorm we probably don't get every car we should get to clear those streets. For that many wrecker companies to tow that many, that's hustling. To have less than ten would be unworkable, I would think.

Mayor Baines stated just one comment and this is a comment I made at my meeting with Lt. Valenti was my concern is having such a large increase as opposed to looking at all departments. Looking at fees like that on a yearly basis and to put incrementally in place the cost of doing business as it goes up, because when you're faced with something legitimate like this, you see a fee going from \$85,000 to \$125,000 it raises some of the concerns that have been raised here today. Whereas if the department were more proactive in terms of looking at your fees, which we do ask every year during the budget cycle, look at your fees, what precipitated it this year that all of sudden we're going to have such a significant increase.

Deputy Chief Simmons replied I think what created it this year was 1) we were coming up with a new contract, we're going to be looking for new companies to join on the new contract, the fact that there was going to be two impounds yards versus one, all of a sudden raised some concerns for additional costs, and the fact that it's been probably about eight years since the fees have been increased, was another concern.

Mayor Baines asked what would be the impact of increasing it over a two year period to that rate as opposed to doing it just in one year.

Deputy Chief Simmons replied I think that's something without speaking for them personally, I think that's something they could live with. They were looking to see an increase to help take care of some of the additional costs, labor and insurance and fuel, etc. have all gone up, and they were just looking for something to create a little more of a comfort zone in what they are making on each winter tow. When they look at a contract,

when one of these wrecker companies joins on in this contract, the snow emergency operation is part of the least benefit to every one of them, it's the last thing they want to do. You have to understand also that during the course...some of these snow emergencies occur on Thanksgiving, they might occur on Christmas Eve or Christmas night, they have their wrecker operators going out there, then the following day business is still going on, these wrecker operators are out there during the day as well. So it reeks a little of havoc on their business as well.

Mayor Baines stated again, the Mayor's point on this that I would rather see it implemented over a two year period, therefore, people can plan how to deal with this issue. I recognize legitimacy of the issue, I don't think is as was described in some of the testimony we heard this evening. It's a legitimate cost issue, I do agree with that. But again, my recommendation is that if you're going to deal with it that you deal with it over a two-year period.

Alderman Lopez asked clarification, Your Honor. Alderman Gatsas mentioned that the law changed to give the Airport Director authority to tow vehicles, can we research that and find out if we actually need Police officers to do that.

Mayor Baines stated we can research that.

Alderman Guinta asked are you suggesting that we go to \$125.00 with \$20.00 this year and \$20.00 next year.

Mayor Baines answered yes.

Alderman Guinta asked can we possibly institute a fee increase this year with trying to identify alternative ways to maybe stabilize that fee for the following year. If fuel prices come down and insurance comes down in the next year, I hate to say that...

Mayor Baines interjected or let's say there's a law that needs to be looked at, you can always revisit it, then you will have dealt with it.

Alderman Garrity stated I don't know if you know the answer Chief or Frank Thomas, but how come we pay the Police officer overtime and then a Highway employee overtime to be in one car. How come a Police officer just can't have a radio to highway dispatch and tow like that. Are we paying overtime for Highway employees.

Deputy Chief Simmons replied another thing with the officers, and I think you've all heard complaints about winter towing, never mind that, just people that get parking tickets, several times the officers get in the middle of a dispute during the course of the night where they

have to resolve a problem that occurs there as a result of somebody having their car towed. That's a safety feature as well it's not just a free ride for the officer out there.

Mayor Baines stated I think that's a very valid point that you make.

Mr. Thomas stated our employees are the ones that are coordinating what vehicles need to be towed, when and where. Basically the Police come along as the enforcement arm of our operation. So our people are in contact with the people out in the plows, we know what areas we want to concentrate on first, and again, the enforcement arm.

Alderman Garrity stated but that's not something that the highway dispatch can do. If we're towing, how many employees do you have out there with the officers on overtime. I would assume.

Mr. Thomas answered normally we set up anywhere between three to five towing operations throughout the City, and each one of those operations have a Highway Department employee along with a Police Department employee.

Alderman Garrity stated I just can't understand why the officer can't have a radio to highway dispatch. Highway dispatch must be talking to the guys in the plows and they must say yes tow this street or tow that street or tow this street. It seems like a waste of overtime to me. It just seems like a waste.

Mr. Thomas stated it potentially could be done. They would need one of our portable radios. They are on a different frequency than our operators.

Alderman Smith asked Chief, is there any problem with the contract if it's reduced, can the tow operators still be able to maneuver after the 14th. What's the situation. I was under the assumption that the tow operators weren't too happy with the present rates and you probably wouldn't be able to have a contract after December 14th.

Deputy Chief Simmons stated we've been negotiating with them and we've actually had some concerns that this snow emergency is going occur before the first operation ends, and the current contract requires them to only man one impound lot. Obviously they're would like to see an increase for the second contract, if we don't see an increase, how many actually decide to sign on that contract, I can't tell you. Is it possible we could lose a few, yes it is possible.

Alderman Smith stated in regards to snow plowing operations, I know it happens in my ward all over the City, it could be a snow emergency, the vehicle doesn't get towed, like maybe in the outskirts, not in the inner city and I know that Frank gets many a call saying the street wasn't plowed and you can see where the cars were parked all overnight and I know you do

have a problem, because you have to tow the cars in the inner city first rather than get out in the outskirts.

Deputy Chief Simmons stated the thing with the inner city, those are your main streets. That's Pine Street, Beech Street, Maple Street, and all of the intersecting streets and it becomes a main thoroughfare that definitely that needs to be cleaned out first.

Alderman DeVries asked Chief, could you tell me the actual cost that you've broken out for manning the second impound lot. So maybe we can build up our fee structure here.

Deputy Chief Simmons stated what they did is they based it on last years figures and they all they did for this particular meeting is they averaged it out as per the 12 companies at the time and it came out to \$92.00 per company. So when they looked at what it would cost this year, they just doubled that to \$184.00.

Alderman DeVries stated I guess I'm asking of the previously they receive \$65.00, what portion of that \$65.00 was to man the one impound lot.

Deputy Chief Simmons replied I'm not sure what you're getting at. The \$65.00 is what they would receive for each tow on the old contract.

Alderman DeVries stated correct and of that a certain amount was built into the \$65.00 to cover manning one impound station. Is that what that dollar amount is.

Deputy Chief Simmons answered no I do not.

Alderman Gatsas stated, Your Honor, would it proper to try and amend the...my understanding is that \$5.00 comes to the City.

Deputy Chief Simmons answered right now, Alderman, \$20.00 does. We're asking it to be increased to \$25.00.

Alderman Gatsas asked would it be proper, Your Honor, to see if we took the \$65.00 and we applied a 50 percent increase, which would bring it to \$90.00 and leaving the City at a \$20.00 fee, and that would be \$110.00 instead of \$125.00.

Alderman Gatsas moved to amend the motion, and so amend the ordinance to reflect paying the tow operators \$90.00, leaving the fee to the City at \$20.00, for a total fee of \$110.00. Alderman Lopez duly seconded the motion.

Alderman O'Neil stated I don't necessarily disagree with where Alderman Gatsas is going, my only concern is the City costs have gone up as well. We have to add an additional Police

officer to the second impound lot and our expenses, what we pay a Police officer per hour, has gone up. So I think the City portion needs to be at the \$25.00.

Mayor Baines added and we're holding the department right now to a 98 percent budget.

Alderman O'Neil stated I don't know if Alderman Gatsas would amend that to \$115.00 or...so the City at least gets the \$25.00 out of it.

Alderman Gatsas stated I would think that maybe we could take that to the \$125.00 level next year, but I think that people that are going to be looking to pick up their cars...

Mayor Baines asked so it would be \$95.00 and \$115.00 under your proposal, Alderman O'Neil.

Alderman O'Neil answered that's what I'm suggesting. It's a compromise on both parts but I am actually pleased that the department came in not looking for a bigger increase. They looked for a very minimal increase on their end, even though their expenses have gone up, and as you stated, they're operating on a 98 percent budget within the department.

Mayor Baines asked would you agree to that Alderman. Alderman Lopez would you accept the \$95.00 and \$115.00 with the City getting its \$25.00.

Alderman Lopez stated I just want to bring a point out. In looking at the figures that you provided us on the seven officers that you're speaking of, the pay that they get averages out at about \$3,500 - \$3,600. That takes care of the Police officers. The revenue that you would get if you towed 196 cars would be \$4,700.

Deputy Chief Simmons stated don't forget you have to take into account the abandons that we don't get paid for.

Alderman Lopez replied I did.

Deputy Chief Simmons stated the breakdown that they provided for this was five officers working a total of 45 hours, which would \$1,860.00. One supervisor at nine hours, \$463.00, and then two officers at a 24 hour turnaround because we man that lot until it's completely empty, at \$940.00, it comes to \$4,200.00 roughly. Now the way they looked at that, they took that \$4,200.00, they took the snow emergencies they had in December, which was 196 vehicles minus the 49 that they didn't get paid for because they were abandons, but they looked at it on an average instead of \$25.00 we have to get paid for 168 cars, which they felt was kind of a general average.

Alderman Lopez stated I think we still should keep it at \$110.00 and we can address it, go for a two-year contract, and see how many people come in.

Alderman Roy stated I may be looking at this a little differently than many of my colleagues, and I'd like to ask the Deputy Chief, when a car gets impounded, this is a penalty like a speeding ticket, like a noise ordinance, we sat here as a Board and very aggressively changed the pattern of our noise ordinance and the fees, what safety elements are we talking about and the same question is going to go to Frank Thomas about the care of our streets under the budget restraints that we have. This is because of snow removal and it is a penalty, am I correct.

Deputy Chief Simmons answered correct.

Alderman Roy stated and I guess I'll ask the question of Frank, when we talked about the streets that are being cleaned that the cars are being towed off from, it's a fire, safety, police....

Mr. Thomas answered that's correct. That's why we're out there removing the snow. The more cars that we can get off the street the more efficient our operations. Quite frankly we would like to see all cars off streets during a snow emergency.

Alderman Roy asked Frank, before we enforce this penalty, which I look at it as a penalty, what do we do to educate the public that a snow emergency is coming and what do we give them as alternatives to parking on the streets.

Mr. Thomas replied we put out public notices, we have handouts down at the Tax Collector's registry office, when I call a snow emergency I always try to give 12 hours notice, we put it out on all of the media, MCTV and that's broadcast ongoing right until the time that we start towing. When we do start towing operations, the Police Department make it well known that we're on the streets so that people have last minute notice and quite frankly a lot of people do move their cars at the very last minute.

Alderman Roy stated this question is for the Deputy Chief, increasing the fee to \$125.00, do you see this as more of a deterrent so the people will pay more attention to it.

Deputy Chief Simmons answered well we gave that some consideration and certainly how that would happen. Granted there are people here that that fee that we have now currently costs them money, but we also have some people that every snowstorm we tow the same car. It's not necessarily the center city, it's just somebody that doesn't bother. When they come down, they go get their car at the impound lot and they're on their way. We've had some that, I don't know about you but after the first snowstorm, I think I'd learn my lesson real quick.

Alderman Sysyn stated I just wanted to say that when there's a snow emergency, the people can park in the public garages from 10:00PM to 6:00AM in the morning, and I'd rather go park there and pay a couple of dollars than pay the towing fee.

Deputy Chief Simmons stated they utilize those garages on a regular basis as well. They are pretty full in the morning as well as after Tom Lolicata's crew clears the parking lots; they're allowed to use those lots as well.

Alderman O'Neil stated I was going to say the exact same thing. Go by any one of the parking garages. People know there's a snow emergency and Victory Garage will have 800 cars in it.

Deputy Clerk Johnson stated the motion was to amend the total to \$110.00, \$90.00 to go to the tow operators and \$20.00 to go to the City.

Alderman O'Neil asked if my colleague wanted to stay at \$110.00 with \$25.00 towards to the City and \$85.00 to the wrecker companies.

Alderman Gatsas replied I don't have a problem with that, and so agreed to amend his motion to reflect the amendment as \$110.00 with \$25.00 going to the City and \$85.00 to the tow companies.

Alderman Lopez stated I don't have a problem with that, and so agreed to second the motion to amend as restated.

Deputy Clerk Johnson stated the motion would be for a total of \$110.00, \$85.00 of which would go to the tow operators and \$25.00 would go to the City.

Alderman Forest stated I guess they're asking to go from \$85.00 and leaving them at the same.

Alderman O'Neil responded no that's the total. They are at \$65.00.

Mayor Baines called for a vote on the amendment to the motion to increase vehicle impoundment fees for snow emergencies to a total of \$110.00 with \$85.00 going to the tow operators and \$25.00 to the City. The motion carried with Alderman Roy and Alderman Guinta duly recorded in opposition.

Mayor Baines called for a vote on the main motion to accept the report and suspend the rules as amended. There being none opposed, the motion carried.

Ordinance:

“Amending §70.73.(B)Removal, Impounding and Return of vehicle. of the Code of Ordinances of the City of Manchester.”

On motion of Alderman Garrity, duly seconded by Alderman Shea, it was voted to read the Ordinance by title only and it was so done.

This Ordinance having had its final presentation by title only, Alderman DeVries moved on passing same to be Ordained. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

Mayor Baines stated I know we’ve already passed on it, the report of the Special Committee on Riverfront Activities, Mr. Clougherty meant to bring up some comments at that time.

Mr. Clougherty stated Mr. Chinburg contacted our office today regarding this item and just wants to make sure that everybody was aware of his comments. The arrangement that Mr. Chinburg entered into was he would pay \$774,000 to the City on November 1st, and if he didn’t make that payment on November 1st, there would be a penalty, five percent of that amount, which is \$38,000, and that was the item that was on the agenda tonight. What Mr. Chinburg wished to have conveyed to the Board is that when he entered into the agreement for the November 1st deadline, we was operating under the assumption that he was going to get the title the evening or shortly after his commitment. It took two weeks to get him the title. He’s now approximately two weeks after the November 1st deadline and his point is this, he’s prepared to arrange for short-term financing to make the \$774,000 payment this week, if he doesn’t have to make the \$38,000 penalty. If he does have to make the \$38,000 penalty then he’s going to wait to make a payment when he arranges for his permanent financing, which will be later in the month. So he wanted me to ask the Board whether they would consider waiving the penalty and accepting the \$774,000 payment this week, and if he doesn’t make it, then of course he’d have to have the \$38,000 thereafter.

Mayor Baines asked so the money would come in earlier.

Mr. Clougherty answered you can either get the money earlier or wait and he’ll pay later on.

Alderman Lopez stated I just want to make sure that I’m completely in sync with you. At the committee we talked about the 5- percent and the \$38,000. Now you’re bringing in something different.

Mr. Clougherty replied what he’s saying is as he’s been going ahead, and he’s been trying to, as you know, Alderman, make arrangements to make this payment. What he’s saying is, he can make the \$774,000 payment this week if he arranges for short-term financing and that

would make sense for him. If he has to roll that \$38,000 in there as well, the it doesn't make sense for him to arrange for the short-term financing, he'll just include it in his permanent financing, which he expects to get later this month. So it's a matter of do you want to waive the \$38,000 penalty and get payment this week, or the motion you adopted tonight providing for the \$38,000 payment will carry to the end of the month and he'll make the \$774,000 plus the \$38,000.

Alderman Lopez stated I'm not in favor of waiving anything. The committee voted that he pay the five percent penalty.

Mr. Clougherty replied and that's fine, Alderman, it just want to make sure to bring this up.

Mayor Baines stated we just wanted to bring the issue, because he had a made a request and I think it was a legitimate request for him to make and it's up to the Board to decide.

Alderman Lopez stated for the record, the committee has recommended that he pay the five-percent that was originally told to us in committee and I stick by that.

On motion of Alderman Forest, duly seconded by Alderman DeVries, it was voted to remove Item 16 from the table.

Alderman Forest stated I would like to have Item 16 discussed the same time as Item 11.

11. Communication from the Board of Assessors recommending the Board of Mayor and Aldermen order a full revaluation for year 2006.

Alderman Roy moved to direct the Board of Assessors to collaborate with the Office of the City Solicitor to order contract to provide for a full revaluation of city property for tax year 2006. Alderman Thibault duly seconded the motion.

Stephan Hamilton, Board of Assessors, stated the Assessors initially had recommended to the Board of Mayor and Aldermen that a valuation update would be the most appropriate remedy to bring the City into compliance with the applicable State statutes and the Constitution. We've gone out to bid for a valuation update for 2006; we've also gone out to bid at the same time for a total revaluation of the City. City bids that we've received for the total revaluation are very competitive with what we anticipated the cost would be for a valuation update only. And we believe that the City would be better served at this point for 2006 to have a total reval rather than a valuation update.

Alderman Shea asked why do you say it's better to have a full evaluation rather than the other type.

Mr. Hamilton answered well there are a couple of technical reasons that we want to be able to address. We want to be able to look at the delineation of neighborhoods and the way that we have properties described, especially on the borders of the neighborhoods. That's easier to do if we look at all of the properties at the same time and additionally we've heard from the Board of Aldermen that we want to have a better understanding of the parking situation in the downtown for commercial properties. And one of the data elements that we don't have currently for commercial properties is the number of parking spaces. Collecting additional data elements is easier to do when we look at all of properties at the same time.

Alderman Shea asked so you're saying that if you have a full evaluation, you'll be able to discern downtown how many parking spaces there are in lieu of now you're not able to.

Mr. Hamilton replied right. Right now we don't have the number of parking spaces per commercial property as a data element in our system.

Alderman Shea stated when we did a full eval in 2001 they didn't do that. Why would this one do something that the other one didn't do if we full eval in 2001.

Mr. Hamilton answered at the time I don't believe that, my not being on the board at that time, but I can imagine that at that time it wasn't as much of a concern. The revaluation company will go out and collect the data that we tell them is important to us.

Alderman Shea asked so you have to specify exactly what data you want collected and they have to fulfill that responsibility. Is that correct.

Mr. Hamilton answered correct.

Alderman Lopez stated from reading your correspondence you're going to need another \$500,000 in 2006. Is that correct.

Mr. Hamilton answered that's correct.

Alderman Lopez asked Kevin, do we see any problem with that.

Mr. Clougherty replied no, Alderman, that's in fact the item that you're taking off the table to discuss as well.

Alderman Lopez stated I think you have \$500,000 now plus the \$250,000 if we go through with this tonight. But you'll need an additional half a million dollars in 2006. Is that correct.

Mr. Hamilton answered correct.

Alderman Lopez asked any problem.

Mr. Clougherty answered I think that's eligible under the State statutes, it can be a five year financing and that's provided for.

Alderman DeVries stated the additional amount is \$550,000. I guess my question is if we were accomplishing that through bonding City cash as we have the other.

Mr. Clougherty answered if you're going to go forward with the item it would be a bond item that would have to be considered in all of the existing guidelines that we have.

Alderman DeVries stated I guess I had understood that was somehow going to be an expedited item in the 2007 budget, because I didn't think we had the additional CIP bonding capacity in 2006.

Mr. Clougherty stated as you know, Alderman, one of the principal elements of determining is the value so in our consideration it would be wise to go ahead and do that because it moves up the valuation.

Alderman DeVries asked so you're saying that there is no way that we could do this as an expedited item for the 2007.

Mr. Clougherty replied no, I believe you can, Alderman, if you understand the consequences of what you're doing. We don't have a problem with that. I have not talked to the Planning Director regarding how exactly how he wants to take into his plan, but I'm in favor of it. I think you have to move forward and do the valuation on time because that's what's going to drive up your capacity.

Mayor Baines stated we know we have to do it, we have time to deal with the financing going forward. We're not going to solve all of that tonight.

Alderman DeVries stated I understand, Your Honor, and I fully understand that the State has regulated. This has pushed it out a year beyond what the State has asked us to do for a reval putting us into serious penalty so I'm not questioning going forward with the reval. My question is I would like Finance to continue to look at this as an expedited item in the 2007 budget and opposed to 2006 and to report back to this Board at a separate time.

Mr. Clougherty responded we can certainly look at that and give you the different options.

Alderman Porter asked Steve, a couple of questions. It's not unusual to have a few narrative appraisals done during a revaluation on the higher priced properties, Mall of New

Hampshire, perhaps the five or ten. Has this been considered. Has it been rejected. I didn't see it anywhere in the proposal.

Mr. Hamilton answered we contemplated that and one thing that we're going to ask for is a contingency amount to be added to the final bonding to cover perhaps that kind of an appraisal and also the courts have recently identified the value of property underneath telephone poles as taxable property and we may need some assistance from an outside expert on that issue and perhaps on some utility issues. We discussed that as a board and we feel that it's better to go through the process of doing a mass valuation and then look at those properties individually in the future.

Alderman Porter asked how are the utilities going to be handled in the RFP or in the response that they are assuming that the utilities will be done some other way. Is Vision or whoever you hire, I assume it's Vision given the price, are they going to do the utilities or are you going to continue with the unit method as the DRA proposes.

Mr. Hamilton answered we're not entirely comfortable with the way that the DRA calculates the City's valuation portion. That's part of that contingency of the \$50,000 we'll have for perhaps having some outside assistance with developing that value as well.

Alderman Porter asked are you saying the total contingency would be \$50,000 to include the...I'm under the impression that the...

Tom Nichols, Board of Assessors, interjected it's a total of \$100,000, Alderman.

Alderman Porter replied okay. I'm under the impression that the easement issue is still not finalized, that there are still court cases primarily with Rochester.

Mr. Hamilton replied right. The unsettled issue is the methodology for developing a value for the property, that it is taxable is settled law. So we haven't been able to discern an accurate method to value the property. Other communities are working on it so that's why we want to have a contingency amount; we want to have professional services.

Alderman Porter stated but you didn't answer. How will the utilities be done. You're not comfortable...and that's fine, that's your prerogative, but how will they be done. Have you decided that yet.

Mr. Hamilton answered no we have not.

Alderman Porter asked when will that be decided.

Mr. Hamilton answered we're going to have to look at the State's valuation on especially the PSNH portion of our utilities property continues to drop, and we're not as a Board satisfied that the City is being adequately compensated for the assets that are here in the City.

Alderman Porter asked would you be getting outside help or are you doing that as the commercial Assessor.

Mr. Hamilton answered no, I think that we do have an appraiser on staff that has a considerable amount of experience appraising utility properties, but we're looking at that issue still.

Alderman Porter asked okay, so that would be part of the contingency then.

Mr. Hamilton answered yes.

Mayor Baines called for a vote on the motion to direct the Board of Assessors to collaborate with the Office of the City Solicitor to order contract to provide for a full revaluation of city property for tax year 2006. There being none opposed, the motion carried. Alderman Guinta was duly recorded as abstaining.

Mayor Baines called for a five-minute recess.

Mayor Baines called the meeting back to order

Deputy Clerk Johnson stated, Your Honor, the Clerk would advise that it removed Item 16 from the table, which was a bond resolution, that that is actually still on the floor. It was not dispensed with. I don't know if the Board wishes to take any action on it or not.

On motion of Alderman Lopez, duly seconded by Alderman Forest, it was voted to read the Bond Resolution by title only. Alderman Guinta is duly recorded as abstaining.

16. Bond Resolution:

“Authorizing Bonds, Notes or Lease Purchases in the amount of Two Hundred Fifty Thousand Dollars (\$250,000) for the 2005 CIP 811305, Revaluation Update Project.”

On motion of Alderman Lopez, duly seconded by Alderman Forest, it was voted that the Bond Resolution pass and be enrolled. Alderman Guinta was duly recorded as abstaining.

12. Communication from Fire Chief Kane requesting a leave of absence without pay or benefits for Jay L. Heath whose anticipated return to duty is December 1, 2004.

On motion of Alderman DeVries, duly seconded by Alderman Thibault, it was voted to approve the request.

13. Communication from the Public Works Director submitting a revised Procurement Code.

On motion of Alderman Shea, duly seconded by Alderman Smith, it was voted to refer the communication to the Committee on Administration for review and consideration.

14. Communication from Helen Closson, Chair of Hands Across the Merrimack, Inc., requesting the Board's authorization with respect to naming rights for the bridge, as well as other naming possibilities.

On motion of Alderman Osborne, duly seconded by Alderman Sysyn, it was voted to accept the communication.

Alderman O'Neil stated just a quick question on that. I support the idea. Will they have to come back to us with a recommendation or are we giving them the approval to implement this.

Mr. Thomas stated their asking for permission to go out and be able to negotiate for naming rights. They will be coming back with the final recommendation but this is giving them the authorization to negotiate and other types of naming rights

15. Resolutions:

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Sixty Seven Thousand Four Hundred Sixty Seven Dollars and Fifty Cents (\$67,467.50) for FY2005 CIP 411505 Emergency Management Preparedness Grants Project.”

“Amending the FY2003, 2004 and 2005 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Eight Thousand Three Hundred Twenty Dollars (\$8,320) for the 2005 CIP 511005 Annual Park Maintenance Program.”

“Amending the FY2005 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Six Hundred Fifty Thousand Dollars (\$650,000) for the 2005 CIP 711705 WWTF Facility Plan Project.”

On motion of Alderman Shea, duly seconded by Alderman Thibault, it was voted to dispense with the readings of the Resolutions.

On motion of Alderman Garrity, duly seconded by Alderman Osborne, it was voted that the Resolutions pass and be enrolled.

NEW BUSINESS

Deputy Clerk Johnson stated we have reports on the Committee on Lands & Buildings.

A report of the Committee on Lands and Buildings was presented advising that the Manchester Housing and Redevelopment Authority (MHRA) has been found in default of their agreement with regard to the Brown School property. The Committee recommends that the deposit received from MHRA be returned to that agency and that the Brown School property be placed up for sale by public auction with a minimum bid to be set at \$400,000. The Committee further recommends that the City Solicitor be authorized to prepare and have executed such documents as may be required to provide for such disposition of the property.

Mayor Baines asked what was the rationale of not accepting the Housing Authority's request to develop it into senior citizen housing in the community. We had talked to Alderman Thibault and they were also going to pay taxes on it and have such a need for senior housing in the community and they do such a great job of it. What was the rationale.

Alderman Gatsas stated Your Honor, the rationale from this Alderman was to contract we negotiated was in 2002, we never received a deposit in a timely manner, one of the partners fell out of the deal, and from a 2002 to a current date, Your Honor, I think that the due diligence that would have needed to be done should have been done, they haven't fulfilled their end of the agreement and I think that the \$400,000 that we had it on the market for two years ago. So that was my rationale.

Mayor Baines stated the only concern that I have is that we have such a need for senior housing in the community and Housing Authority has been such great partners with us. I just don't realize how we wouldn't give them a little latitude on that.

Alderman Thibault stated I agree, Your Honor, but he made the motion and it was seconded it so there wasn't much I could about it.

Mayor Baines stated again, do you care address this issue of the Brown School. I respect the committee process but I'm really concerned that because of the need in our community and having that property in the neighborhood was very compatible with that neighborhood and addressed a tremendous need.

Ken Edwards, Manchester Housing Redevelopment Authority, stated we feel as though we have done everything that we could do to encourage the City to let us proceed with the development of the Brown School into elderly housing. Early on in the process back in 2002, I think the purchase and sales agreement was signed in December of 2002. By March of 2003 we knew that the purchase and sales that was negotiated with the City included Families in Transition and that we could not proceed with two viable projects on that site.

The site just isn't large enough to accommodate both entities, and that approach was abandoned and we started discussions with City staff regarding our interest in proceeding along. For whatever reason that kind of got back burnered and all along we just continued to say we're interested in doing the project, we understood that there was some concern expressed by some Alderman regarding payment of taxes, and we feel that we can identify funding sources either through HUD or low income housing tax credits in order to rehabilitate the property, probably provide 26 to 30 units of elderly housing with an addition on the back, and pay full taxes as well. We're ready, willing and able to proceed with that if the City sees fit to allow us to continue.

Mayor Baines asked hasn't the City...I remember we disposed of a school building for \$1.00 for a school. Haven't we done things like that before.

Alderman Porter asked Ken, do you have a specific plan. I mean you think you can get grants, you think you can get funding; do you have specific guarantees that by a certain date you'll have something in there.

Mr. Edwards answered I can't make that kind of a guarantee.

Alderman Porter stated I meant if you have a specific plan, that's different, but this could go on for another two years of maybes and I support going out to public auction.

Mr. Edwards stated if the City has an interest in developing affordable senior housing, than anybody who is going to do the project is going to be subjected to the same constraints as we would be in seeking funding. The funding rounds are limited to New Hampshire Housing Finance Authority's offerings twice a year and the Federal 202 program, which is designed for elderly housing is only available once a year. And the City has an interest in developing this kind of housing, then anybody else is going to be subject to the same kinds of timeframes.

Mayor Baines asked did the Housing Authority submit a letter to the Lands & Buildings Committee with a proposal to go forward with senior housing.

Mr. Edwards answered yes.

Mayor Baines stated so there was something that they presented to act upon. Am I correct.

Alderman Thibault answered yes.

Alderman Thibault stated a couple of months ago, Your Honor, the attorney had told us that because of the contract that had been signed between Families in Transition and Manchester Housing, that there was a problem as far as down payment and this was what was brought up

the other night and then it was seconded by Alderman Porter that we go to public auction for \$400,000.

Alderman Lopez stated the only comment I'd make is that I know that Neighborhood Housing has been interested in it, I know there's a letter in for \$400,000 to buy that property, I'm only concerned that it would be nice if elderly housing went there but also at the same time if Neighborhood Housing could develop it and that's what they want to do for affordable housing for people who can't afford it, I think it's wonderful, so it doesn't make a difference as long as we get the thing developed. We can't keep waiting and waiting and waiting for somebody to do something.

Alderman O'Neil stated over the years I'm not sure we've enjoyed a better partnership than we have with the Housing and Redevelopment Authority and for some reason this particular project got bogged down, I don't know why, we know they're history of moving quickly on projects, I know they've had multiple housing partnerships ongoing, may this just got lost in the shuffle, Ken, I don't know. But I certainly would encourage my colleagues to ask the Housing Authority to revisit this, get back to us as quick as possible with a determination, and I would like to continue that strong partnership that we've had in creating affordable housing in the City of Manchester.

Alderman Gatsas stated I certainly don't have a problem. They had the property under contract for two years. This isn't about somebody throwing Manchester Housing Authority with their contract in a short timeframe. It's been there for two years, there's been a problem, nobody extended any deposits to the City during this two-year process until it sat on the table and I brought it up and all of a sudden somebody said oh there is no deposit. So I would think that at some point that two years somebody would have come forward and said 1) we no longer have the partner, but that all of a sudden just came up mysteriously when we asked what was happening with that contract; 2) that nothing has proceeded in the last five months that I know of when it was still under agreement. It's been sitting on the table in Lands & Buildings for two years.

Mr. Edwards stated unfortunately the agreement that we had precluded us from proceeding. The purchase and sales was a joint one with Families in Transition. There were letters sent indicating early on that we could not proceed with Families in Transition and asked to proceed on our own. We could not go any further with the project because we couldn't demonstrate to any funding source that we had site control. Without site control you can't even seek funding. We couldn't apply. We were just waiting for the City to get back to us.

Alderman Gatsas stated, Your Honor, I don't know any member of Lands & Buildings that any of those letters were sent to. At least this member didn't receive anything. Did the Chairman anything.

Mr. Edwards stated we were dealing with City staff at the time and as I say, I think the project just got back burnered.

Mayor Baines stated because when I became aware of it, because I think Alderman Thibault had asked me about it, we called a meeting with you and Dick Dunfey and said what is the status of it. I became aware of some letters at that time. I think they went to Planning and then we started talking you get a proposal to move forward because you asked me my interest in senior housing, which I do have an interest in it, and that's where it went. But where the letters are...

Alderman Thibault stated as far as Planning, Bob MacKenzie was supposed to be here last night to speak to it, but because of what happened with his Mom, he wasn't able to be here and that was part of the problem also.

Mayor Baines stated again, we have a report of the committee, if you want to put it on the table for a vote, I'd be glad to do so.

Alderman Gatsas moved to accept the Lands & Buildings Committee report to put the Brown School out to public auction with a minimum amount of \$400,000. Alderman Lopez duly seconded the motion.

Mayor Baines stated the Mayor's recommendation is that...my feeling is it should go back for the Housing Authority for consideration.

Alderman DeVries stated I know we have many people up in the balcony that could address this but I don't know where the boundary lines are for elementary school districts and I would suspect that Northwest Elementary could well be school serviced by the Brown School area. If that is the case, and it likely is, I would think elderly housing would be more appropriate for that building, because that has been identified as the elementary school under the stressed from over capacity to date. So I would second that, Your Honor, that we should be looking be looking at elderly housing if at all possible with that building.

Alderman Roy stated a question for MHRA. Families in Transition is already in the process of constructing their new location, I believe on Second Street, after you found out that there wasn't a partnership available, was there anything that precluded you from coming in with another purchase and sales or actively marketing to find another partner.

Mr. Edwards answered our letters to the City indicated that in order to proceed we needed a new purchase and sales, a modified one, so that we could seek funding, and we did not get a response.

Alderman Roy asked okay, and those letters went to.

Mr. Edwards answered the Planning Department.

Mayor Baines stated and that's when Alderman Thibault came to me about it and we brought people together and said hey let's get a proposal in here because I was not aware of the Housing Authority's situation, and that's why we were going... And unfortunately Mr. MacKenzie was not at the meeting and I think he would have outlined the whole process that he went through in getting a process forward.

Alderman Shea stated by way of discussion, if in fact the vote this evening were to be favorable towards the Manchester Housing and Redevelopment Authority, but what is the time table in terms of your coming back with a purchase and sales agreement or some sort of commitment that you would proceed in a reasonable manner.

Mr. Edwards replied what we would need, Alderman, from the City is a purchase and sales agreement now that we could use to seek funding.

Alderman Shea stated let's assume for the sake of discussion that was forthcoming within two weeks or a month, whatever.

Mr. Edwards replied I think the next opportunity for tax credit funding, the invitations or the published requests for applications in February or March, and the 202 funding through HUD is available if it follows through as it did last year, it would be in July. So we don't immediate access to funding for this project.

Alderman Shea stated well you would have access according to what you said. The earliest would be February.

Mr. Edwards answered correct.

Alderman Shea asked if that were the case you would then try to get funding if you were given the approval.

Mr. Edwards answered we actually see that the HUD 202 program is probably the one that would provide the best funding for this and as I said that would probably be July at the earliest, of next year.

Alderman Roy asked if this does go forward and is placed out to minimum bid, would MHRA have the ability to bid or would you be precluded.

Mr. Edwards answered no, I can't think of a reason why we wouldn't be eligible to participate if we decided to.

Alderman Roy asked to you have the funding to pay a \$400,000 minimum bid.

Mr. Edwards answered I can't speak for the agency without discussions with the Executive Director or the Board of Commissioners. I can't say whether we would have the capacity to purchase without some reasonable expectation of funding.

Alderman Gatsas moved to amend the previous motion to say that the Brown School property be put out to bid at minimum of \$400,000 with the understanding that it be senior housing. Alderman Thibault duly seconded the amendment to the motion.

Alderman O'Neil asked Ken, did I hear you say earlier that no matter whether it was the Manchester Housing and Redevelopment Authority or some other agency, a non-profit, that they would probably be pursuing the same funding sources that the Housing Authority has talked about.

Mr. Edwards answered if they're looking for true affordable house, then they are going to be seeking the same sources for funding that we are.

Alderman O'Neil stated then I honestly don't know why we wouldn't want to continue the discussions with the Housing Authority, then in my opinion.

A roll call vote was taken on the motion to amend. Aldermen Roy, Sysyn, O'Neil, Garrity, Smith, Thibault, and Forest voted nay. Aldermen Gatsas, Guinta, Osborne, Porter, Lopez, Shea, and DeVries voted yea. Mayor Baines voted yea and the motion carried.

Mayor Baines called for a vote on the main motion to put the Brown School property out to bid with a minimum of \$400,000 as well as development be restricted to senior housing.

Alderman Gatsas asked if we think that the taxpayer's ability to receive the highest and best value would be to go out to minimum bid of \$400,000, we would vote yes or no.

Mayor Baines replied that would be up to you.

A roll call vote was taken. Aldermen O'Neil, Smith, Thibault, Forest and Sysyn voted nay. Aldermen Lopez, Shea, DeVries, Garrity, Roy, Gatsas, Guinta, Osborne, and Porter voted yea.

Mayor Baines vetoed the action.

Alderman Gatsas moved to table the Brown School item. There was no second to the motion.

Mayor Baines stated you can't table it's been defeated. There's nothing to table. What are you going to table.

Alderman Gatsas answered the main motion, the original Lands & Building Committee report.

Mayor Baines stated we just defeated the motion, there is no report any more. It's been defeated, so there is no report. The issue will go back to the committee.

Alderman O'Neil moved to refer the Brown School item back to the Manchester Housing and Redevelopment Authority and ask them to revisit this issue and report back as soon as possible. Alderman Forest duly seconded the motion.

Alderman Gatsas stated it's got to go to the committee.

Alderman O'Neil stated they would report the Committee of Lands & Buildings in a reasonable timeframe.

Mayor Baines asked, Mr. Edwards, how soon do you think you could get something back to the committee.

Mr. Edwards asked you're looking for a revised purchase and sales agreement.

Mayor Baines answered right.

Mr. Edwards answered within a week.

Alderman Gatsas asked, Your Honor, do I understand that that property now for all intents and purposes from legal counsel, that the contract that we have is null and void and that property is now owned by the City and anybody that wants to come in and buy it could present an offer to the Lands & Buildings Committee. Is that correct.

Deputy Solicitor Arnold answered what I stated, Alderman, was that in my opinion since the deposit was paid late, that at the discretion of the Board, the purchase and sales agreement could be declared in default. That is not mandatory if the Board chose to proceed with this purchase and sales, they could do that also.

Mayor Baines stated so the answer to his question I think was no and I'm not a lawyer.

Alderman Porter asked the purchase and sales agreement is between.

Deputy Clerk Johnson answered between the City and MHRA.

Alderman Porter asked you're buying it.

Mr. Edwards stated it's a purchase and sales agreement, which calls for us to seek the funding necessary in order to accomplish rehabilitation of that property into elderly housing. And with the purchase and sales, as evidence of site control, we can seek the funding.

Alderman Roy stated question for the Solicitor. If a party to an agreement has been found in default of that agreement, is it a binding contract.

Deputy Solicitor Arnold answered as I said, Alderman, this Board could bind that the purchase and sales in default and elect not to proceed with it. They could also in its discretion, decide that they want to waive that default and proceed with the purchase and sales agreement.

Mayor Baines stated but the issue is we have a motion on the floor that will supercede all of this discussion if the vote is favorable, and it would be up to them, in one week they would come back with a proposal.

Alderman Guinta stated I just want to clarify that even if we pass this, you're looking at June for funding. Is that what you said earlier.

Mr. Edwards answered I think I said July 1st. As we understand it, that would be the next opportunity for 202 funding.

Alderman Guinta asked and there's no guarantee that you're going to receive 202 funding, so if we approve this, the earliest we would have notification is July and you may not get. So we could be in this situation six or seven months from now and the alternative is to let anybody, that's the motion I think that was overruled, or that was vetoed, let anybody put the housing where that could start it almost immediately if we had...

Mayor Baines stated but everybody has to secure funding.

Alderman Guinta stated now wait a minute. Not everybody needs 2002 funding. Is that correct. So if you wanted to buy it and you had the money, you can go do it now. If the issue here, Your Honor, is try to provide senior citizen or elderly housing, why not do it in a manner that allows it to be expedited. It doesn't seem like, nothing against the Authority, but they can't expedite it.

Mayor Baines stated you can advocate for your position, my position as Mayor I think the Housing Authority is a great landlord, a great tenant for low income housing in the City, we

have a desperate need for it, I'll put my oar in the water with them because they're proven tenants.

Alderman Guinta stated I conceded that, however, the point is the earliest they can have funding in place is July and there's no guarantee because they've been through this twice already.

Alderman O'Neil stated if I may I'm not sure that's what Mr. Edwards said. He said that would be one of the funding sources. There was another funding source that was possibly available in February, Ken.

Mr. Edwards replied that's tax credits.

Alderman O'Neil stated and the other issue that Mr. Edwards could not answer is there is a possibility the Authority could use other assets to decide to purchase the property from the City, but he couldn't speak for the Executive Director or the Board of Commissioners.

Mayor Baines stated that's correct.

Alderman O'Neil stated so this may not get dragged out until July.

Mr. Edwards stated if the Board were to insist that the Authority purchase the property ahead of securing funding to rehabilitate it, that's something I would have to discuss, whether we had the capacity to do that. The city then would have the purchase price but it wouldn't have the housing any sooner. And the only other point I'd like to make is that when we're talking about developing elderly housing, it is low income elderly housing. It is at rents that in our elderly program, probably average around \$300 - \$325 a month with heat and hot water included. So we're talking about subsidized housing, not market rate housing.

Mayor Baines stated and I'm all for that.

Alderman Lopez stated I just want to make sure; this doesn't prevent anyone from submitting a bid for Brown School. Is that correct. We're not giving exclusive rights to the Manchester Housing.

Deputy Solicitor Arnold stated the motion as I understand it is to refer it to the MHRA for them to come back to the committee with a new purchase and sales agreement.

Alderman Lopez stated my question to you is if somebody wanted to make an offer to the City, they can submit an offer to the City for senior housing.

Deputy Solicitor Arnold answered if the Board finds that the present purchase and sales is in default so that it's not longer binding, then yes I think that could be done.

Alderman Gatsas stated something confuses me. The agreement that we have is with MHRA and Families in Transition. That's the agreement that's before us. Families in Transition can no longer participate. There is no agreement at this point. I'm trying to understand...

Mayor Baines stated the only thing I would say to you I think that we need better clarification on that, but if we can act on this motion now, see where it goes, and then ask the City Solicitor for further research and report back at the next meeting. We're obviously not going to settle that this evening.

Alderman Gatsas stated I don't how we can...is the City or Lands & Buildings relinquishing their position as a committee to MHRA. Is that what we're doing.

Mayor Baines answered no. I think it's fairly simple. They're requesting the Housing Authority to present a proposal to them on a purchase and sales agreement. That's the motion and I don't think we should make it any more complicated than that.

Alderman Porter stated I think if somebody came in prior to the purchase and sales agreement coming to the City, if someone came in tomorrow with an offer to buy that, I don't see how any action we take tonight with MHRA would preclude that. Because legally there's nothing accomplished until something is signed.

Mayor Baines stated until there's a final vote.

Mayor Baines called for a vote on the motion to refer the Brown School item back to the Manchester Housing and Redevelopment Authority and ask them to revisit this issue and report back to the Lands & Building Committee as soon as possible. Alderman Gatsas called for a roll call vote. Aldermen Sysyn, Porter, O'Neil, Lopez, DeVries, Smith, Thibault, Forest, and Roy voted yea. Aldermen Gatsas, Guinta, Osborne, Shea, and Garrity voted nay. The motion carried.

A second report of the Committee on Lands and Buildings was presented advising that it has referred the communication from Manchester Housing and Redevelopment Authority regarding the sale of the French Hall property to the full Board of Mayor and Aldermen for further discussion.

On motion of Alderman DeVries, duly seconded by Alderman Thibault, it was voted to recess to meet with legal counsel.

Mayor Baines called the meeting back to order.

Alderman Gatsas moved to reject the offer from the Hackett Hill property and ask the Board of Directors at MHRA continue working with parties that come forward with a purchase price, to include all who have made offers and those who shall make offers. Alderman DeVries duly seconded the motion. The motion carried with Alderman Roy and Alderman Forest duly recorded in opposition.

A third report of the Committee on Lands and Buildings was presented recommending that the west branch of the City Library be assigned usage of the entire building formerly housing the senior center and “Meals on Wheels” effective upon the “Meals on Wheels” program vacating the building.

On motion of Alderman Osborne, duly seconded by Alderman DeVries, it was voted to accept, receive and adopt the report.

Deputy Clerk Johnson noted there were two additional items to present.

Communication from Mayor Baines related to the tax rate.
Mayor Baines stated that is the official documentation related to the tax rate so you have it for reference.

Communication from Alderman Forest regarding City Clerk position.

Alderman Forest stated at the last meeting of the Human Resources Committee there was something brought up about an error that was detected in the City Clerk’s pay grade. The error was miscalculated in 1999 and there was no action taken by the Human Resources Committee. What I would like to do is ask that the Board okay a presentation by Christine Martinsen, from the Human Resources Department to be held on December 7th meeting in reference to this.

Alderman Forest moved to approve a presentation to the full Board by Christine Martinsen with regard to an error detected in the City Clerk’s pay grade. Alderman Roy duly seconded the motion.

Alderman Shea stated at our meeting there was a discussion concerning raising the City Clerk’s salary from \$89,000 to \$3,500 more and Mrs. Martinsen came in discussed it and at that meeting it was voted that we do not send it forward. One of the members of the City Clerk’s office came to me and said they did not prefer to send it forward, so I would like to make a motion to receive and file this request.

Alderman Roy stated with all due respect to the Chairman of the Alderman Board, in watching that discussion I think a lot was lost on the combination of ordinance violation

bureau moving over and what may have been lost was the fact that this was a mathematical error early on. So I would support Alderman Forest's motion in the sense that we need to be looking at strictly the calculation that was done in 1999 and was it done properly or improperly at that time. If it was done improperly, correct it, if it was done properly, leave it alone. And I think that's something that Ms. Martinsen can come in with evidence that it was done improperly.

Alderman Lopez stated I think they had that discussion in the Human Resources Committee, number one. As a former Chairman of the Human Resources Committee four years ago, we had approximately 117 people who had put in a request for re-evaluation and we put a freeze on those people to reapply within two years. I think there was a two year limit for people to do that in the Yarger-Decker program and I think this is highly unusual that at this stage of the game with the program that we have that we're going to come up with an increase of salaries like that. Once you start this, you're going to start with other department heads. I can think of three department heads in this City that would have justification to say they made a mistake on me too. So I think the process has worked, it went through the Human Resources Committee, and I'm satisfied, I don't need to have a presentation of Christine to put her on the spot to the Board of Mayor and Aldermen.

Alderman DeVries stated and I'd like to echo those sentiments because I think it's very important that when we do deal at Human Resources Committee with the individual salary cases or job descriptions, that is the committee that has the authority for oversight for review. It would be bypassing that committee to automatically bring it before the full Board, and even though I was in support of that at the committee level, I don't believe that that should be brought before the full Board for further discussion. That's the purpose of that committee.

Alderman Forest stated I believe that a minority report should have been sent and I did request one and it wasn't sent, that's why I'm doing this. But in order to counteract Alderman Shea and Alderman Lopez's thing on this, we as a board have done this in the past. They have found mistakes in employees; we have corrected those mistakes. This is a miscalculation that was done, the Human Resources Department found these mistakes and they requested the committee to bring it forward to the Board in order to correct it. And I believe that Ms. Martinsen has the answers to this and I think she should be brought here and explain to the full Board what this mistake is and how we can correct it.

Alderman Shea stated I explained to Alderman Forest the reason it wasn't brought forward, Your Honor, is because Carol Johnson said that it should not be brought forward. Is that correct Carol.

Deputy Clerk Johnson answered I believe what I stated was that no action had been taken by the committee and therefore I would not have a report to submit.

Alderman O'Neil stated what Alderman Shea said and what Carol Johnson said were not the same thing. I want to get some clarification on this.

Mayor Baines stated Carol please verify your statement. There was no minority report submitted.

Deputy Clerk Johnson replied we did not submit a minority report. At the committee level there was a motion to approve the change. That motion failed. As a failure of the motion there was nothing for me to submit as a recommendation. It wasn't a motion to deny the request, it was a motion to approve it that failed. So there was nothing there to report out. The committee Chairman at the time of the meeting offered to two members that had voted in the minority to submit a minority report, the meeting adjourned with those members assuming that they were going to have a minority report to submit and it was after the meeting concluded that I had the opportunity to advise the Chairman and the other members, Alderman Forest at that point, that there would be no minority report typically because there was no action by the committee unless the committee Chairman decided he wanted to do something otherwise.

Mayor Baines stated the issue is mute now because you have another motion on the floor. So I suggest we talk about what's there now.

Alderman O'Neil stated, Your Honor, something that has been very important with when we accepted Yarger-Decker, was consistency. How have we treated all employees. Now Alderman Lopez did make a very good point that at some point we did put a freeze on reviews and I don't know when that is up. Does anybody know when that is up. Because we did have over 100 out there.

Alderman Lopez stated the review was up and the employees were notified and I know very few that came that came in to upgrade in comparison to when I became Chairman. There was approximately 113, 117 and there might have been like some people in the dispatcher's office at the Highway Department, they were graded in comparison to the same thing as the Police Department and they got an upgrade.

Alderman O'Neil asked so those positions are no longer out there. We've either taken care of them or they then per Human Resources they've been denied a recommendation in change of grade. Is that correct. Although I see Ginny has her hand up.

Alderman Lopez answered no, I'll refer to Ginny.

Ms. Lamberton stated the employees, who had filed an appeal at the time of Yarger-Decker, if they had filed an appeal, there was a moratorium put on for those individuals for two

years. At the end of two years, nobody came forward to Human Resources to pursue their appeal.

Alderman Gatsas asked is Ms. Martinsen here so we can ask her some questions.

Mayor Baines answered no, she's not here. The committee has been charged with this responsibility all of the time that I've been here, but if we're going to start bringing all of these matters to this board...

Alderman O'Neil asked another question for Ginny if I may, Your Honor. Ginny have we found over since Yarger-Decker has been implemented other miscalculations.

Ms. Lamberton answered if you will recall, yes, and I've come to the board when the positions were over-graded for them to be moved downward, specifically the Youth Services Director, the Assessor's, and there's one other one, which I'm not remembering.

Mayor Baines asked when there were changes in position, right. When they were vacant.

Ms. Lamberton answered correct.

Alderman O'Neil asked and there have been to the best of your knowledge, there haven't been any the other way, where miscalculations have led to upgrades.

Ms. Lamberton answered not for that reason, no.

Mayor Baines called for a vote on the motion to allow a presentation to the full Board by Christine Martinsen with regard to an error detected in the City Clerk's pay grade. Alderman Forest called for a vote on the motion. Aldermen Forest, Roy, Gatsas, Guinta, Osborne, Porter, O'Neil, and Thibault voted yea. Aldermen Sysyn, Lopez, Shea, DeVries, Garrity, and Smith voted nay. The motion carried.

On motion of Alderman Osborne, duly seconded by Alderman Thibault, it was voted to recess the meeting to meet with the Chief Negotiator.

Mayor Baines called the meeting back to order.

Alderman Osborne moved to waive Rule 26 and ratify and confirm the MEA and MESPA agreements in accordance with Memorandum of Understanding and cost calculations presented November 16, 2004 with the MEA contract being effective today and the raises for the MESPA contract effective December 1, 2004. Alderman Shea duly seconded the motion. A roll call vote was taken. Aldermen Shea, Garrity, Thibault, Forest, Roy, Gatsas, Guinta,

Sysyn, Osborne, Porter, O'Neil, and Lopez voted yea. Aldermen DeVries and Smith voted nay. The motion carried.

Alderman Shea stated one of the points, Your Honor, that has been called to my attention and I believe you were made aware of it earlier this evening, is the fact that many Board members are not fully aware of what goes simply because certain matters are dealt with by City government and then when it comes before the Board of Mayor and Aldermen at a committee meeting, they're unaware of what's going on and I really think that there is an obligation on the part of any City department that meets with any matter, that any committee, like Lands & Buildings or Human Resources or any other committee, should be made aware prior to the meeting as to the full content of what is being discussed in order for them to make a judgement regarding a matter that's presented before them. Now I'm not sure if that's your obligation to let the City departments know or it is somebody's. Somebody has to let the City officials know that when they meet and there is certain information that they receive, that members of a committee should be made aware of that. I can give you the instance the other night where Lands & Buildings met and there was a discussion prior to the meeting that it was going to be tabled, a particular matter, but there were people who were aware of a second offer that was made and in discussing this with Jane Hills she indicated she received the information prior to that meeting and she's under an obligation to let the members of the committee know that there was a second offer made to the people that were involved in City government. So how can people make a decision if they don't have all of the necessary information.

Mayor Baines stated we discussed that issue and why it has to go under the cooperation agreement to the MHRA in that particular...

Alderman Shea interjected no, I don't mean that. I don't mean that there has to be a decision made, Your Honor. What I'm saying is there has to be a discussion of how much available information is available to everyone. Because somebody is going into a meeting and if they don't have a full understanding of what's going on in terms of discussions or in terms of offers or what have you, how can they make valid decision. They don't necessarily have to know all the details, but they have to know the facts.

Alderman O'Neil stated I would like to agree with Alderman Shea. Just casual conversations with several members of the Board tonight on that specific issue. But there appears to be generally speaking a lack of communication between the departments and the Board of Aldermen. I know I end up searching out quite a bit of information but I don't know that I necessarily should have to do that and I think that if you could talk to the departments about it. They need to reach out to the Aldermen more, whether it's a specific issue in an Alderman's ward or a general citywide issue, they need to reach out, and there appears to be a consensus among the Board that that's not happening.

Mayor Baines stated fair enough and I will address it.

Alderman Gatsas stated I couldn't have said it better than my two colleagues, the Chairman of the Board and Alderman O'Neil. I think it's important.

There being no further business to come before the Board, on motion of Alderman Smith, duly seconded by Alderman Thibault, it was voted adjourn.

A True Record. Attest.

City Clerk